

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 18, 2010

The Senate was called to order at 12:00 noon by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Becker, Benton, Brown, Franklin, Hargrove, McCaslin, Morton, Parlette, Roach, Schoesler and Sheldon.

The Sergeant at Arms Color Guard consisting of Senate employees Tony Aronica and Adam Cooper, presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 17, 2010

SB 6766 Prime Sponsor, Senator Hargrove: Concerning forest fire prevention and suppression. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6766 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Honeyford; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Hewitt and Parlette.

Passed to Committee on Rules for second reading.

March 17, 2010

E2SHB 2617 Prime Sponsor, Committee on Ways & Means: Eliminating certain boards and commissions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Kline; McDermott; Murray; Parlette; Pflug; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 17, 2010

ESHB 2875 Prime Sponsor, Committee on Health Care & Wellness: Concerning health savings accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hewitt; Hobbs; Honeyford; Parlette; Pflug; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Keiser and Kohl-Welles.

Passed to Committee on Rules for second reading.

March 17, 2010

ESHB 2954 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning license fees for nursing homes, boarding homes, and adult family homes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Hewitt; Honeyford and Parlette.

Passed to Committee on Rules for second reading.

March 17, 2010

E2SHB 2956 Prime Sponsor, Committee on Ways & Means: Concerning the hospital safety net. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 17, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID THREEDY, appointed April 8, 2010, for the term ending June 17, 2015, as a Chair of the Board of Industrial Insurance Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

March 8, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF G. JOHNSON, reappointed April 4, 2010, for the term ending April 3, 2014, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 17, 2010

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL 6789.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 17, 2010

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL 2672,
ENGROSSED SUBSTITUTE HOUSE BILL 3014.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 17, 2010

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL 2416,
SUBSTITUTE HOUSE BILL 3201.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 17, 2010

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2576.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 17, 2010

MR. PRESIDENT:

The House has passed:

HOUSE BILL 2676,
HOUSE BILL 2677,
HOUSE BILL 2984.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6888

by Senators Brown and Marr

AN ACT Relating to the use of child care offered to employees of nonprofit entities; and reenacting and amending RCW 43.215.010.

Referred to Committee on Ways & Means.

SB 6889

by Senators McDermott, Kohl-Welles, Kline, Murray, Prentice, Keiser, McAuliffe, Kauffman and Hewitt

AN ACT Relating to the governance and financing of the Washington state convention and trade center; amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.040, 36.100.060, and 36.100.100; adding new sections to chapter 36.100 RCW; creating new sections; repealing RCW 67.40.010, 67.40.025, 67.40.027, 67.40.030, 67.40.040, 67.40.045, 67.40.050, 67.40.055, 67.40.060, 67.40.070, 67.40.080, 67.40.090, 67.40.100, 67.40.105, 67.40.107, 67.40.110, 67.40.120, 67.40.130, 67.40.140, 67.40.150, 67.40.160, 67.40.170, 67.40.180, 67.40.190, 67.40.900, 67.40.020, and 39.94.020; and providing contingent effective dates.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Ways & Means.

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2SHB 2576 by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Liias, Moeller, Pedersen and Armstrong)

AN ACT Relating to restructuring and affirming certain fees established by the office of the secretary of state; amending RCW 23B.01.530, 24.03.405, 24.06.450, 25.05.500, 43.07.120, 43.07.130, 25.15.105, 19.77.030, 23.86.070, 19.09.075, 19.09.079, 19.09.097, 19.09.355, and 19.09.530; adding a new section to chapter 19.09 RCW; creating a new section; and repealing RCW 19.09.520.

Referred to Committee on Ways & Means.

HB 2676 by Representatives Chase and Simpson

AN ACT Relating to energy conservation loans; and amending RCW 54.16.280 and 87.03.017.

Referred to Committee on Ways & Means.

HB 2677 by Representatives Chase and Simpson

AN ACT Relating to water conservation loans; and amending RCW 35.92.017, 36.94.460, and 57.08.160.

Referred to Committee on Ways & Means.

HB 2984 by Representatives Maxwell, Clibborn, Eddy, Goodman and Hunter

AN ACT Relating to a sales and use tax deferral for performing arts centers; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2416 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Eddy, Van De Wege, Morrell, Upthegrove, Simpson, Kenney, Hudgins and Ormsby)

AN ACT Relating to efficiency standards for consumer products; amending RCW 19.260.030, 19.260.040, and 19.260.050; and reenacting and amending RCW 19.260.020.

Referred to Committee on Ways & Means.

EHB 2672 by Representatives Linville, Ericksen, Quall, Morris, Armstrong, Williams, Condotta, Simpson, Van De Wege and Conway

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570; and providing an expiration date.

Referred to Committee on Finance.

ESHB 3014 by House Committee on Finance (originally sponsored by Representatives Kessler, Morrell and Van De Wege)

AN ACT Relating to modifying the sales and use tax deferral program for investment projects in rural counties; amending RCW 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.060, 82.60.070, 82.60.100, and 82.62.010; adding new sections to chapter 82.60 RCW; creating a new section; decodifying RCW 82.60.900 and 82.60.901; repealing RCW 82.60.050 and 82.60.110; providing an effective date; and providing expiration dates.

SHB 3201 by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Linville, Sullivan and Ericks)

AN ACT Relating to fees for treatment services and outreach for children with heritable disorders; and amending RCW 70.83.023.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide and without objection, Substitute House Bill No. 2416 was referred to the committee as designated and Engrossed House Bill No. 2672, Engrossed Substitute House Bill No. 3014 and Substitute House Bill No. 3201 were placed on the second reading calendar under suspension of the rules.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL 6789.

MOTION

At 12:13 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:45 p.m. by President Owen.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Murray moved that Gubernatorial Appointment No. 9263, Orin Smith, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Murray spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Becker, Benton, McCaslin, Morton, Parlette and Roach were excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

MOTION

On motion of Senator Regala, Senators Franklin, Hargrove and Kline were excused.

APPOINTMENT OF ORIN SMITH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9263, Orin Smith as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9263, Orin Smith as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 2; Excused, 9.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Fraser, Gordon, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Schoesler and Sheldon

Excused: Senators Becker, Benton, Brown, Franklin, Hargrove, McCaslin, Morton, Parlette and Roach

Gubernatorial Appointment No. 9263, Orin Smith, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION

On motion of Senator Brandland, Senator Schoesler was excused.

MOTION

On motion of Senator Regala, Senator Murray was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kilmer moved that Gubernatorial Appointment No. 9275, Bill Grinstein, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Hobbs, Senator Sheldon was excused.

APPOINTMENT OF BILL GRINSTEIN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9275, Bill

Grinstein as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9275, Bill Grinstein as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Becker, Benton, Brown, McCaslin, Morton, Murray, Roach and Schoesler

Gubernatorial Appointment No. 9275, Bill Grinstein, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

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

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 6678, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Kilmer, Marr, Berkey, Tom and Shin).

Concerning the creation of entities to address the long-range impact of opportunities and changes in the aerospace industry.

The bill was read on Third Reading.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6678.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6678 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Becker, Benton, Brown, McCaslin, Morton, Murray and Roach

SECOND SUBSTITUTE SENATE BILL NO. 6678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 6870, by Senator Hargrove.

Containing costs for services to sexually violent predators.

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The bill was read on Third Reading.

MOTION

On motion of Senator Hargrove, the rules were suspended and Senate Bill No. 6870 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 6870, by Senator Hargrove

Containing costs for services to sexually violent predators.

The measure was read the second time.

MOTION

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

On page 1, line 12, after "prejudiced." insert the following "The department is responsible for the cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf."

On page 4, at the beginning of line 15, insert the following "The department is responsible for the cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf."

On page 6, line 10, after "rules" strike "for the payment of" and insert "to contain costs relating to reimbursement for"

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 1, line 12 to Senate Bill No. 6870.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 6870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6870.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6870 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 8; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Delvin, Honeyford, Parlette, Pflug, Schoesler, Sheldon and Zarelli

Excused: Senators Becker, Benton, Brown, McCaslin, Morton, Murray and Roach

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ENGROSSED SENATE BILL NO. 6870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6698, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Marr, Murray, Fairley and Kohl-Welles).

Concerning the acquisition of nonprofit hospitals.

The bill was read on Third Reading.

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

Senator King spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6698.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6698 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Hatfield, Holmquist, Marr, Parlette, Schoesler, Stevens and Swecker

Excused: Senators Becker, Benton, McCaslin, Morton and Roach

SUBSTITUTE SENATE BILL NO. 6698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Marr, Senators Brown and Shin were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2672, by Representatives Linville, Ericksen, Quall, Morris, Armstrong, Williams, Condotta, Simpson, Van De Wege and Conway

Concerning tax relief for aluminum smelters.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed House Bill No. 2672 was advanced to third reading,

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

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2672.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2672 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Becker, Benton, Brown, McCaslin, Morton, Murray and Roach

ENGROSSED HOUSE BILL NO. 2672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617, by House Committee on Ways & Means (originally sponsored by Representatives Driscoll, Chase, Hunt, Wallace, Williams, Maxwell, White, Kelley, Carlyle, Simpson, Seaquist and Moeller)

Eliminating certain boards and commissions.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted:

On page 8, after line 33, strike all material down through and including line 7 on page 12.

Remember the sections consecutively and correct internal references accordingly.

Senators Kohl-Welles and Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 8, after line 33 to Engrossed Second Substitute House Bill No. 2617.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

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

On page 1, line 3 of the title, delete "18.250.010, 18.250.020, 18.250.060,"

On page 2, line 3 of the title, delete "18.250.030,"

MOTION

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

On page 79, after line 28, strike all material down through and including line 2 on page 85. Renumber the sections consecutively and correct internal references accordingly.

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Marr on page 79, after line 28 to Engrossed Second Substitute House Bill No. 2617.

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

MOTION

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

On page 1, line 12 of the title, strike "18.200.010, 18.200.050, 18.200.070,"

On page 2, line 13 of the title, strike "18.200.060"

MOTION

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

On page 123, beginning on line 1, strike all material down through and including line 11 on page 126.

Remember the sections consecutively and correct any internal references accordingly.

Senator Fairley spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 123, line 1 to Engrossed Second Substitute House Bill No. 2617.

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

MOTION

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

On page 1, line 19 of the title, strike "17.12.670, 77.12.690, 77.08.045,"

On page 2, line 19 of the title, strike "77.12.680,"

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Berkey be adopted:

On page 138, after line 9, insert the following:

" Title and Registration Advisory Committee

NEW SECTION. **Sec. 149.** RCW 46.01.320 (Title and registration advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216 s 3 are each repealed.

Sec. 150. RCW 46.01.325 and 2005 c 319 s 116 are each amended to read as follows:

(1) The director shall prepare(~~(with the advice of the title and registration advisory committee))~~ an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions (~~(approved by the title and registration advisory committee))~~ to the senate and house transportation committees by January 1st of every third year starting with 1996. Fee revision recommendations may

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be made more frequently when justified by the annual analysis and evaluation ~~(and requested by the title and registration advisory committee).~~

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

(a) Unique and significant financial, legislative, or other relevant developments that may impact fees;

(b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;

(c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;

(d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;

(e) Appropriate indices projecting state and national growth in business and economic conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

Sec. 151. RCW 46.01.140 and 2005 c 343 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director ~~(developed with the advice of the title and registration advisory committee).~~

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor ~~(developed with the advice of the title and registration advisory committee).~~ The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional seventy-five cents, which must be collected and remitted to the state treasurer and distributed as follows:

(i) Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(ii) Twenty-five cents must be deposited into the license plate technology account created under RCW 46.16.685.

(5) A subagent shall collect a service fee of (a) ten dollars for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) four dollars for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Haugen and Berkey spoke in favor of adoption of the amendment.

Senator Swecker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Berkey on page 138, after line 9 to Engrossed Second Substitute House Bill No. 2617.

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

MOTION

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

On page 1, line 21 of the title, after "43.03.250," strike "and 43.03.265", and insert "43.03.265, 46.01.325, and 46.01.140"

On page 2, line 20 of the title, after "17.21.270," insert "46.01.320,"

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Kohl-Welles and Fairley be adopted:

On page 117, after line 20, strike all material down through and including line 32 on page 117 and insert the following:

"**Sec. 132.** RCW 27.34.365 and 2005 c 391 s 3 are each amended to read as follows:

The board of advisors shall consist of fifteen members. The ~~((governor))~~ director of the state historical society shall appoint eleven members to the board of advisors. Two members of the senate, one each representing the two largest caucuses of the senate, shall be appointed by the president of the senate, and two members of the house of representatives, one each representing the two largest caucuses of the house of representatives, shall be appointed by the speaker of the house of representatives.

The women's history consortium board of advisors may meet no more than two times per calendar year. If state funds are not available for travel, the board may meet on a voluntary basis at members' expense."

Senator Fraser spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Marr, Senator Shin was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser Kohl-Welles and Fairley on page 177, after line 20 to Engrossed Second Substitute House Bill No. 2617.

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

MOTION

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

On page 2, line 1 of the title, after "18.71.205," insert "27.34.365,"

On page 2, lines 16 and 17 of the title, strike "27.34.360, 27.34.365, 27.34.370, 27.34.375, 27.34.380,"

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Second Substitute House Bill No. 2617 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2617 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2617 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Tom and Zarelli

Voting nay: Senator Swecker

Excused: Senators Becker, Benton, Brown, McCaslin, Morton, Murray, Roach and Shin

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 3201, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Linville, Sullivan and Ericks)

Fees for infant screening.

The measure was read the second time.

FOURTH DAY, MARCH 18, 2010

2010 1ST SPECIAL SESSION

MOTION

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

On page 1, line 14, after "obtained.", strike "The fee is a billable expense."

Senators Keiser, Prentice and Franklin spoke in favor of adoption of the amendment.

Senators Pflug and Schoesler spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Prentice on page 1, line 14 to Substitute House Bill No. 3201.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 3201 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3201 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3201 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 17; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe,

McDermott, Murray, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon and Tom

Voting nay: Senators Brandland, Carrell, Delvin, Eide, Hewitt, Holmquist, Honeyford, Kilmer, King, Marr, Oemig, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Becker, Benton, McCaslin, Morton, Roach and Shin

SUBSTITUTE HOUSE BILL NO. 3201 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "Thank you Mr. President. Last year you know I was standing in the body and Senator Hargrove brought to everyone's attention that I looked pregnant because I had quite a big large stomach. Over the past year I've made quite an effort to lose some weight and reduce the size of my stomach. So, while I'm sitting here today I happen to look across and I noticed that Mrs. Hargrove was busy over the weekend and got out a soup bowl and shaved his head and I thought that since they might be missing something I thought something that might fit his head so we went to our caucus and we have something for Mrs. Hargrove to actually fit your head Senator."

MOTION

At 4:09 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, March 19, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

2416-S	Introduction & 1 st Reading	3	Messages	2
	Messages	2	Other Action	3
2576-S2	Introduction & 1 st Reading	3	Second Reading	9
	Messages	2	Third Reading Final Passage	9
2617-S2	Committee Report	1	6678-S2	Third Reading
	Second Reading	6, 7, 8		Third Reading Final Passage
	Third Reading Final Passage	9	6698-S	Third Reading
2672	Introduction & 1 st Reading	3		Third Reading Final Passage
	Messages	2	6766	Committee Report
	Other Action	3		6789-S
	Second Reading	6		Messages
	Third Reading Final Passage	6		President Signed
2676	Introduction & 1 st Reading	3	6870	Other Action
	Messages	2		Second Reading
2677	Introduction & 1 st Reading	3		Third Reading
	Messages	2		Third Reading Final Passage
2875-S	Committee Report	1	6888	Introduction & 1 st Reading
2954-S	Committee Report	1	6889	Introduction & 1 st Reading
2956-S2	Committee Report	1	9263 Orin Smith	Confirmed
2984	Introduction & 1 st Reading	3		9275 Bill Grinstein
	Messages	2		Confirmed
3014-S	Introduction & 1 st Reading	3	David Threedy	Introduced
	Messages	2		Jeff G. Johnson
	Other Action	3		Introduced
3201-S	Introduction & 1 st Reading	3	MESSAGE FROM GOVERNOR	Gubernatorial Appointments
				WASHINGTON STATE SENATE
				Personal Privilege, Senator Brandland