

**EIGHTIETH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Wednesday, March 30, 2011

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

The Sergeant at Arms Color Guard consisting of Pages Clayton Avery and Atikah Samal, presented the Colors. Retired Pastor Marvin Eckfeldt of First Christian Church of Kent 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 29, 2011

EHB 1171 Prime Sponsor, Representative Rolfes: Concerning high capacity transportation system plan components and review. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Nelson; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

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HB 1358 Prime Sponsor, Representative Klippert: Modifying combination of vehicle provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Nelson; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

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HB 1473 Prime Sponsor, Representative Parker: Concerning the use of existing fees collected for the cost of traffic schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Nelson; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

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SHB 1483 Prime Sponsor, Committee on Transportation: Modifying the form for a notice of traffic infraction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Nelson; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

March 29, 2011

ESHB 1967 Prime Sponsor, Committee on Transportation: Concerning public transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Prentice; Ranker; Shin and Swecker.

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 30, 2011

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.

ELLEN TAUSSIG, reappointed March 27, 2011, for the term ending March 26, 2015, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

MOTION

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

MOTION

On motion of Senator White, Senator Regala was excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9137, George Masten, as a member of the Investment Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

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

APPOINTMENT OF GEORGE MASTEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9137, George Masten as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9137, George Masten as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Regala, Roach and Zarelli

Absent: Senator Swecker

Gubernatorial Appointment No. 9137, George Masten, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Gubernatorial Appointment No. 9074, Patrick McElligot, as a member of the Investment Board, be confirmed.

Senator Conway spoke in favor of the motion.

MOTION

On motion of Senator Ranker, Senator Brown was excused.

APPOINTMENT OF PATRICK MCELLIGOT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9074, Patrick McElligot as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9074, Patrick McElligot as a member of the Investment Board and the appointment was

confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Regala

Gubernatorial Appointment No. 9074, Patrick McElligot, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9116, Jim Tiffany, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senator Prentice spoke in favor of the motion.

APPOINTMENT OF JIM TIFFANY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9116, Jim Tiffany as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9116, Jim Tiffany as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and Regala

Gubernatorial Appointment No. 9116, Jim Tiffany, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

PERSONAL PRIVILEGE

Senator White: "Well, Mr. President, I see sitting up next to you that we have a very distinguished gentleman, retired Senator Ken Jacobsen who is here and would like the opportunity to say a few words honoring him given that somehow he ended up sitting next to you at the rostrum. Mr. President, it is truly an honor to serve and represent the citizens of the Forty-Sixth District. I've only been on the job for two months but I do know that I have big shoes to fill, shoes that served this state with honor for over twenty-eight years. Senator Ken Jacobsen served in the House of Representatives from 1983 to 1997 and then in Senate from '98 to this past January. I can't say enough about Jake, he is such a fixture in the community. As I go out and I engage with my

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community and community groups, everyone knows who Ken Jacobsen is. Everyone is so appreciative for the work that he has done over the years for the citizens of North Seattle and for the people of the State of Washington. Mr. President, we have a proclamation that we will be delivering to Senator Jacobsen later today. I'd like, with permission, to read just a couple of points that will be included in that proclamation. Thank you very much. A few points that you may not know that are local to Ken. First of all, Ken is the founder of the Raoul Wallenberg Dinner and is an active member of a very civic community organizations including the Seattle Audubon Society, he is an active birder; American Indian Endowment Committee; Ravenna and Thorton Creek Alliances; and the Nordic Heritage Museum; and is a lifelong member of the Disabled American Veterans and the Society for the American Baseball Research. So, those are just a few. One other thing that you do know. Ken is a prolific historian who instinctively incorporates such accounts into his speeches on the Senate floor, is dedicated to celebrating Washington's state heritage and beauty in all corners of the state. Now, I was not a member of the senate but I have heard stories of some of his anecdotes on the floor. I hope some of you would be willing to share a few of those. I'd also note that Senator Jacobsen is co-author of the Jacobsen-Metcalf Rules of Parliamentary Democracy which begins with quote, not my words, his, 'Democracy requires a cast iron butt.' Importantly I would note that Ken has been married to Rachel Jacobsen, a teacher from New Zealand for thirty-eight years and has two daughters of whom he is most proud, Sonja and Kiri and it does end up, 'Now therefore be it resolved that the Washington State Senate recognize and honor Ken Jacobsen for his outstanding service in numerous and lasting contributions that he has made to the legislature and the people of the state of Washington.' Mr. President, again, I just can't say enough about what a tremendous fixture in our community Mr. Jacobsen is. I've certainly learned so much from him working with him on a variety of projects. This body is going to miss him tremendously. Jake, it has been an honor to work with you in the House and most importantly the citizens of North Seattle. They love you Jake. I'm proud and honored to call you my friend. Thanks for being here today."

#### PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President. Well, it truly is a privilege to stand up and follow the good Senator from Seattle and talk about my friend Ken Jacobsen. Ken and I are probably as different as you can get in some ways. He represented downtown Seattle and I represent rural Lewis County. He's a city boy, I'm an ex-farmer. My favorite thing to do is drive my Kubota tractor. Our world views in theory could be diametrically opposed to each other but in fact there's one characteristic of Senator Jacobsen that I always admired and was able to reach across that divide and that is his intellectual honesty. He would look at anything and discuss anything constructively and try to understand where this crazy hick from Lewis County was coming from and try to help me achieve the things that I felt were important for my constituents and because of that I consider him one of my very best friends in this body and I truly admire him and I wish he hadn't left. Never the less, given the opportunity to honor him as an incredible honor for me and I truly wish you the very best, Senator."

#### PERSONAL PRIVILEGE

Senator Eide: "Thank you Mr. President. Well, I too would like to stand up and honor the good Senator Jacobsen. I tell you

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what, there's not a bird he can't name and there's not a beer he doesn't know and I can appreciate it. I can remember being on a bus with him in Eastern Washington, on an Environmental Committee and he could name every single bird along the way and I learned a lot from that, not only the parliamentary procedure because every time he got up he was good for a great quote. Entertaining as heck, I loved it. We all turned around and listened to him when he got up because he always had a good story. You talk about a historian; he caught every one of us, just trapped us into what he was saying and probably took us hook, line and sinker by the way. I have to thank him very much because he has come to my district I can't even count how many times and door belled with me and I think he knows my district just as well as I do. I would like to personally thank you for all the help that you've given me throughout the years. I truly do miss you Jake, we truly do miss you."

#### POINT OF ORDER

Senator Honeyford: "Well, I noticed that we have a person in the senate chamber that is not wearing a tie and I'd ask you take appropriate action."

#### REPLY BY THE PRESIDENT

President Owen: "This is a New Zealand tie there I think. The President does allow some discretion on occasion especially for people as distinguished and honorable as our good friend Senator Jacobsen."

#### PERSONAL PRIVILEGE

Senator Haugen: "Well, I'm honored to stand up and say, Jake, I really miss you. I'm the one person left on the floor that was part of our class and we were a huge class. In fact if we knew how powerful we could have been if we'd gotten our act together, we could have really made a change. I think there were forty-four of us and that was a lot of freshman, when you think, in the house. You only needed to gather up a few more. But you know, what I want to say about Ken is Ken is a man of Washington. You know he came from Seattle and I think all of us come from our districts and some of us stay very provincial. Ken is a man who has taken the whole state into his heart and you know my farmers appreciated Ken Jacobsen as much as his Seattle folks did. Here's a man who, although he represented a very urban area, understood the rest of the state and I think that a real lesson we could all learn from. Some of can ever get away from being just very provincial but Ken was more than willing to take a tough vote for something he truly believed in and that's important part too. Gee Ken, I hate being the senior but I know I'm not the oldest but I do miss you. It's amazing; he and I use to say all of our friends went on to do great things, Governor Locke and many others. We were the only ones left, but truly we're the servants of the people and you are a real epitome of that. I wish you luck in your life, but I miss you."

#### PERSONAL PRIVILEGE

Senator Schoesler: "Well, Mr. President. Senator Jacobsen almost outlasted four different legislators from the Ninth District. He served with the late Senator Gene Prince, they shared a passion for higher education in this state. While they didn't agree on the course to get there, they shared a passion for higher education and the access to it. One of the great Jacobsen stories that we heard in committee several times and on the floor was how the first time he mentioned organic farming to the late

Senator Tubb Hanson. It was looked upon as kinky sex or something and now it's sort of a main stream part of agriculture and not the kinky counter-culture of agriculture. Last night I was visiting a local establishment in Olympia and as I sat there enjoying a cold barley pop I looked out at the car with my dog Ruger and I said, 'Jacobsen's work isn't done yet.' Last but not least Ken, in your retirement and your love for agriculture and birding and I hope you will become a part of our Sandhill Crane Festival in Othello. Thank you again."

PERSONAL PRIVILEGE

Senator Murray: "Thank you Mr. President. Well, there are so many things we could talk about when we talk about Senator Jacobsen. You know when I came to the House he was one of those senior House members who was willing to be a mentor, not just to me but to many of us over the years. Our districts are next to each other and ten years ago I got a chunk of his district and nobody door bells as much as Ken Jacobsen. Ten years later they still think you are their senator. So I have a little bit of a challenge there. One of the things, several years ago, I went to, that I fully didn't understand Senator Jacobsen's role is the Dinner that Senator White just mentioned. Honoring a gentleman from Scandinavia who attempted to sneak Jews from Eastern Europe away from the Nazis during the Second World War. This is, I hate to be serious, but the people who come there year after year to that Dinner at the Nordic Heritage Museum are Jews who survived the Holocaust and their hero is Ken Jacobsen. It's so incredible to set next to women who were in Auschwitz and hear them talk about the role Ken has played in bringing their stories forward by creating that Dinner and by bringing speakers in. So, he has been a leader here but he's been a leader to a group of people who needed their stories told and he found a way to bring that story forward. So, we all miss you and I know that you will continue to do great things in your retirement."

PERSONAL PRIVILEGE

Senator Holmquist Newbry: "Yes, I do just wanted to, I could not say anything about Senator Jacobsen. I have had the honor of serving with you and you've always amazed me and I one thing I can say, this year we have so many fewer bills in the legislature and I knew of course that my easy answer on that was, well, Senator Jacobsen retired. Seriously Senator Jacobsen, there was no issue that your constituents brought to you that you did not make sure was important, that was important to that constituent you made sure and took it and you held your flag high for that constituent and of all the bills that you were able to juggle was usually about one hundred a session. You kept your eye on them all, all those balls in the air and I always liked how some of the issues brought a little humor to us. My favorite, will always be a memory for me, is the one I like to call, 'the hooch for the pooch' and so many others, you know what I'm talking about but I just wish you the best of luck in your retirement and feel free to come and visit us in Eastern Washington. Good hunting there and look forward in keeping in touch. Thank you."

PERSONAL PRIVILEGE

Senator Shin: "Thank you Mr. President. 1993 when I first came to the House I was a freshman, I didn't know anything about government, politics and here you are Ken Jacobsen come shake hands with me. I want you to be my Higher Education Committee. He was my chair there for two years. He taught me about higher education and here I was in a college for thirty-one years, he was teaching all the lessons I need to know. Coming to

the senate he even became my teacher in history. We talked about Iwo Jima, he even talked about Russo-Japanese in 1905. I was baffled by that. I said, 'How did you get all this?' He said 'I read a lot'. So a man who always reads and admiration and Ken, I want you to know because I heard a little phrase. 'Behind every successful man there is a woman with tenderness and devotion.' So, I went to wife's mother land, New Zealand last year, so I see why you're so good at it. And again welcome, we miss you in Olympia and we wish all the luck and the best in the future."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. It's my privilege to express appreciation to Senator Jacobsen. He has been very important person in my legislative life. We've served together over twenty years and he is certainly a person who has expressed with an inquiring mind and a real dedication to education including the education of legislators. I've learned so much from him. I've served on his Higher Education Committee in the House. I still think back to the various charts and etc. that he made sure we learned from and then I served on his Natural Resources Committee here in the Senate and learned just a huge array of interesting things that, maybe all his bills didn't move, but they served a very important educational role and they will have a long term impact on the thinking on a lot of people as they move forward. But, I remember our great times scheming around the capitol budget in the House and his including me and others in a lot of his activities away from the legislature, for example; such Senator Murray and Senator White mentioned that you learn and grow from. So, I thank the good Senator for his dedication and service and our wonderful working relationship."

PERSONAL PRIVILEGE

Senator Honeyford: "I'll be somewhat serious now Mr. President. Ken, I served with you in the House and in the Senate and I want to tell you what I remember and will remember about you; your ethics, your honesty. I believe you always tried to understand both sides of the issues and I particularly remember when Senator West was very ill, you voted for him which was not to your detriment, probably to your detriment but because your position to be directly opposite. And I also appreciated the history you always provided us, wealth of knowledge there, and I will never forget 'dogs in bars.' Thank you."

PERSONAL PRIVILEGE

Senator Hargrove: "Thank you Mr. President. The first thing is that Senator Jacobsen, it should be very clear to you that you are way more important than House bills because we're spending so much time honoring you today, so wanted to point that out. I think the entire senate would agree with me on that. We also, we had some incredible fun times in Natural Resources Committee. I can remember laughing so hard that I got sick on a couple of times on some of the things that we were working in that committee. I appreciate the way you ran the committee and let us all basically put our imprint on whatever the bills were, by a majority of what was going on in the committee. The other thing is that I remember well, is that all of the times that you would bring some knowledge from your extensive reading you remind me very much of Senator Hochstatter who use to be here also and he would come up with some interesting nuggets of information that we would all wonder if they were really true or where they came from and you would do the same and appreciate it. You also referred me to several good books that I enjoyed thoroughly particularly the one, I think it was the British Navy at the end of

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the 1800s, and I enjoyed that thoroughly but it just, we're going to miss you a lot. You continue to make me smile when you send me a random text about rooting for Oregon State instead of USC in the football game this last fall. So even though you're gone if he has your phone number you're going to get some little, some others are laughing around here because you keep in contact with us all and we appreciate it. It brings a smile to our face and you certainly are a part of the rich culture that became the senate. The last thing I'd like to say, is that it took you quite a while to get over here from the House, it took you more time to be house-trained than most the rest of us that came over but anyway. We appreciate you."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. Well, it is my honor to recognize Senator Jacobsen. We all know that he loved birds, agriculture, history but most of all I think he enjoyed door belling. He loved meeting people at their doors and he respected all of that they had to say and he always listened to them. Sometimes when he was doorbelling with me I would have to go find him because he was in deep conversation with someone who liked birds or someone who liked dogs or someone who wanted to know more about the history of the state. So, he was always so, I think he enjoyed that so much, meeting the people at their doors. I am here for eighteen years in the State Senate because of your support Senator Jacobsen and I want you to know how much I appreciated you and miss you. I do want to also recognize that Senator Jacobsen cared passionately about the children in our public schools and whenever there was an education issue he was always there for those kids, those teachers and to support the children in our schools. So, I want to recognize his contributions to education and to this Senate. Thank you."

PERSONAL PRIVILEGE

Senator Morton: "Thank you. Jake, it was great to serve with you as Ranking Member and I benefited greatly from you historical perspective and I want to say thank you for the privilege has been mine to share with you. Have a great retirement."

PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President. I would like to give my personal thanks to Senator Jacobsen. He was a teacher. He was a mentor. He was a guide. He guided me through my first doorbelling experience as well and many, many other campaign seasons beyond and many other campaign meetings as well, but I remember your work here in this chamber most of all Jake. You were a renaissance man, you know. You had a voracious appetite for information and for deliberation and that's really what sets the Senate apart from that other body. And finally I have to say you have really created a legacy here. Many, many times during these last terribly difficult weeks we have referred to Senator Jacobsen. Yesterday in our tough talks we referred to, 'let's give it the full Jake.' We'll talk later. Thank you."

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. I would like to talk this morning about this strange fellow that I met on the Education Committee in the house in 1995 as a freshman. The House had been controlled by the Democrat Party for twelve years. Thirty-one Republicans came in that year and we were in control and Jake was the ranking member for the first time in a

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long time. I was a new freshman on that committee and you know when you're new and you come down here and you really don't know exactly other than there's democrats and republicans. Jake kind of helped me, took me under his wing, taught me a few things and some of those things have stuck Jake-ethics, character, having respect for other people even though you may disagree with their philosophical position on things. Jake, as you well know, you and I have gone round and round on the initiative process a number of times but he respects my opinion and I certainly respect his. The one thing that I remember most, there's really two things, and I would like to share those things with you today Jake. I suggested once that we maybe consolidate some things in higher education like the council of Presidents and a couple of other ideas like that. He liked those ideas and he'd been around a long time. He was for efficiency too and pushed for it in many ways. The other thing that I really appreciated is the personal relationship. He's got a mind like a steal trap. He never forgets anything and he remembered me talking at some time, I don't even remember about my trip to England and how enamored I had been with Winston Churchill. A few years after that, I had forgotten that I'd even told him about it, I get a card on my desk in my office and it's from Jake with a little note on it and a little coin with a picture of Winston Churchill on the coin and a little note about a memento to remember Winston Churchill by after he'd taken a trip and he brought that back for me. I remembered that. It's the little personal things, you know that you remember around here that you develop a personal relationship with someone and while you may be opposed on some issues you're certainly allies on other issues. That's one thing that you learn in the Senate is that you're arch enemy today could be your best friend tomorrow, just depends on the issue doesn't it? So, I really appreciated that about you Jake, I appreciated our friendship, I have missed you, I've thought about you often since you've been gone. I wish you the very best in anything that you choose to do now. God bless you."

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. Well, Jake I'm glad you came back to visit us although I have to say it feels like you haven't left because you still call me all the time and I'm happy about that. When I first became, we served together in the house and the senate, when I first became the leader of this caucus I was as green as this notebook and you and Mary Margaret and Harriet all let me know that and I learned a lot from you. I remember at one point and time because we had our ups and downs, we were pretty frustrated with me, you said 'You are just like my daughter' and I realized that as time went on that was a compliment because you love your daughter so much and then as time went on you said, 'You're my second boss. My wife is my first.' We grew over time to really appreciate each other and it sort of ironic that right as we were in our best partnership with each other you decided to retire but I miss you. We still work together and that's great. Thank you so much for being here today."

PERSONAL PRIVILEGE

Senator Ranker: "It's my honor to rise to respect and honor Senator Jacobsen, Jake. The first time I got to know Jake was long before I was here. I was still County Commissioner and Jake was working with me on an issue for the Straits of Juan De Fuca and the open ocean coast in the Senate moving forward a bill that had nothing to do with his district so this goes back to the comments of the great Senator from the Tenth. He really was a

man of Washington and he really respected all of our different views and he really worked for different areas of the state not just his district. Jake, you were a great mentor to me; I really miss your dry, very dry sense of humor. I miss your history lessons although the timing of those history lessons was a little awkward sometimes. In full honor of Senator Jacobsen I'd like to point out if there were an emergency right now the emergency exits are on our right and on our left you would exit through these doors and out the back. Thank you very much."

#### PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well I got to know Ken in the late 1980s when I was working on gender equity and athletics issues and talked a lot with him. I think helped a little bit with bills that he introduced and from that I was feeling very encouraged to run for the legislature. He really helped spark that interest in me. I think of Ken many times in many different ways. I'm very fortunate that I do get together with him occasionally, not enough but with and former Senator Pat Thibaudeau. We have a good time talking about what's gone on here and what is going on here too. I also had fully appreciated his really inspiring the Scandinavian Caucus which many of us have participated in and still do. One of the best things I will always cherish is an occasion that I had that was a little different when Senator Jacobsen and his wife Rachel and I crashed Fenway Park in Boston. We sneaked in and we did it a very unusual way. We were attending the Democratic National Convention in Boston in 2004 as delegates and the first night Boston was playing New York Yankees. There was not a ticket to be had but that did not discourage us and walked around Fenway Park trying desperately to get a ticket and we could not, but then we saw a sign that said Senate Democrats Fundraiser and so we brazenly walked in the door, an exterior door to Fenway Park, showed our Senate Democratic, well, our ID's for the State Senate and went in where Tom Daschle was hosting a fundraiser for the U. S. Senate Democrats and from there we were able to go right into the park, into the standing room only and watch this fabulous game without having bought a ticket. Now, I know, that may not be proper to be talking about here in the State Senate but it really was a memory that I will always cherish. Senator Jacobsen, as you know I always loved your 'dogs in bars' bill even had a hearing on it and what we did with that bill which I still think we need to do at some point is we amended it to have dogs be able to go to coffee bars outside and sit with us at our tables which people do all over the state but someday we'll let you know if we get that through Ken and thanks for being here."

#### PERSONAL PRIVILEGE

Senator Stevens: "Ken, I can see by your rosy cheeks that retirement has very much benefited you. We all look so white and un-sun shined here in this chamber and I just so thrilled you are able to enjoy that retirement. We miss you. I very much miss you as the chairman of the committee, no offense to the present chairman. However, you were always more than fair, even though we did not always agree, seldom did we agree. You were always willing to listen and allow me to have my say when I asked questions of folks that were sometimes embarrassing questions. You never hesitated to call on me in committee. You were always very fair. You are an act to follow and I just want to wish you the very best in your retirement."

#### PERSONAL PRIVILEGE

Senator Parlette: "So, Senator Jacobsen, I remember first working with you my first year in the Senate in the Higher Education Committee and it was such a marvelous experience to realize that this committee, it was not a partisan issue, people all over the place had different ideas about higher education and that was good for me to experience my very first year in the senate. Secondly, I will remember going to your office and asking you to sign on second on my salmon stamp bill and saying to you, 'Guess what, this is a Republican coming to you with a fee bill' and you quickly signed on and helped me get through the process and I think that was very successful and that same type of legislation may be copied in the future because it is working out. But lastly and most importantly I will remember the story you telling me about the Wenatchee Chiefs and every time I go into that establishment in Wenatchee called McGlends and I see all those mitts that are attached to the wall from that famous baseball team I think of you. We miss you. Charge on, I'm glad that retirement is fitting you well."

#### REMARKS BY THE PRESIDENT

President Owen: "The President believes that it would only be appropriate at this time to let the most honorable and distinguished Ken Jacobsen say a few words before the Senate. I'm sure you'll be in for a history lesson. It was stated earlier that Senator Jacobsen listens to all constituents. The President is very proud to have in his office, the Legislative Youth Advisory Committee which was established by the Legislature at the request of a twelve-year-old constituent of Senator Jacobsen who then followed through with a bill and got it passed into law. Ladies and gentleman, it's the President's great honor to present to you, Senator Ken Jacobsen."

#### REMARKS BY KEN JACOBSEN

Ken Jacobsen: "Well, thanks a lot for all those kind words and Scott, he never told me. Yeah, I was coming down on another issue and he said, 'Could you be here at ten thirty?' So I'm really flattered. Then, I look over here. I wish Senator McCaslin was still here. He'd probably skewered me pretty good but I certainly enjoyed everything. He had a delightful sense of humor and added a lot to the body. And then the other person that recently died was Mike Layton and I know Karen and I knew him very well. He was a reporter for the Seattle P. I. and I said about Mike, he was the kind of reporter, that my dad was an Archie Bunker Democrat, and Mike wrote about Olympia from an Archie Bunker angle where the average person could understand the issues as he got done explaining them. So, I do miss Mike. And then the other thing is we were talking about and some of my daughters one day as were running for office while my older daughter, the strappy one, said to me, 'Well, dad, it's either you or the cat. You're the only two I know with buns of steel' so I guess it was me. I started in 1982, I got elected in '82 and started in '83 and I'm going to, before I finish I do have a history lesson here. Retired in 2003 but before I go to the history lesson just one other thing that I love talking about birds when I'm out doorbelling constituents. So, anyway one day I was out doorbelling and it was a hot afternoon and you get a little bit woozy afternoon and I was on the east side of the street and sun's beating off the house and I was talking to this woman over eighty and she's got a bird bath down here right by the house, tap water, well birds aren't going to use that, I know that. So, anyway I'm looking at her and I'm thinking and I said to her and I think I pointed at the bird bath but I must of pointed at her, I said, 'Do you know what you need?' You need a mister.' and she said to me, 'Young man, I've outlived two misters. I don't need another mister to take care of?'

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and then she slammed the door on me and I thought well, down one vote. It took me six months before I thought out how I would answer the question, 'Lady I am trying to improve your bird life, not your sex life.'

And after that for years I use to say a fling that puts on a fine little spray and never use that word again. The one observation that I like to really make and getting serious here for a moment and Don's on one side of the issue and I'm on the other but these are evolutionary bodies so things gradually change and it's, so you don't notice what it was like a while ago and stuff, but I want to leave this little seed with you for food for thought. I got elected in 1983, I'm not saying what is right or wrong what I did then but anyway we had a bad recession when I got elected and the Republicans controlled the legislature for two years and they got killed with the budget dropping off, about what you're going through, and they had session after session. In fact I was so confused I didn't know if they were ever out of session and I'd never been to Olympia before I got elected so. I think by the month of February we voted for a penny sales tax increase. And I'm not saying is was right or wrong what we did but I think we got to think about this; in 19...for better or worse and I was considered the most marginal member in the House on the Democrat side, first Democrat elected in forty years from a Republican district, but I was going to face the electorate. There wasn't any paid signature gatherers in those days. So, for better or worse I had to justify my actions to the voters. And then the Supreme Court made that decision saying that you could pay signature gatherers. I argue that that has mutated the initiative and referendum system from being a mild fever to a virulent virus. I mean in my, my day, the pop tax the size of it was laughable and if you had to collect volunteer signatures to repeal I don't think it would of ever come up. But now that you can pay signature gatherers it's a whole new world, whether you like Tim Eyman or not, that's your business but. What we've really done we've turned the legislature into an enabler. A lot of the decisions are being made outside of the body but then nobody else is planning on balancing the accounts. As far as I'm concerned, it's like being in a dysfunctional family. You guys are being very dutiful, trying to hold the show together but you don't, you can't make a decision that stands. No matter what you do, and its unending series of campaigns, I think, I'm going to stop right there on that, I don't want. It's something to think about. It's an evolutionary process, we're here, at least understand the process is and then we can handle it better. Last thing I want to say, when I was a little boy in Nebraska I had a great aunt that use to point at me all the time and tell my mom, 'Empty wagons rattle the most.' It was twenty years before I figured out that wasn't a compliment. So anyway, thanks for letting this wagon rattle a little bit and I would just want to close with I miss you and I miss a lot of other people, some in the gallery and the lobbyist. It really is a great institution. It's one of the finest places to serve and you really have been blessed. Thank you very much for the honor."

## SECOND READING

HOUSE BILL NO. 1582, by Representatives Lytton, Morris, Chandler, Blake, Wilcox, Orcutt, Tharinger, Hinkle, McCune, Pearson and Van De Wege

Concerning forest practices applications leading to conversion of land for development purposes.

The measure was read the second time.

## MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Natural Resources & Marine Waters be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.09.050 and 2010 c 210 s 20 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On ~~((lands platted after January 1, 1960, as provided in chapter 58.17 RCW or on lands that have or are being converted to another use))~~ forest lands that are being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 77.55.021;

(c) Within "shorelines of the state" as defined in RCW 90.58.030;

(d) Excluded from Class II by the board; or

(e) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II:

(a) On ~~((lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, (e)))~~ forest lands that are being converted to another use;

~~(b)~~ On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development(ç);

~~((d involving))~~ (c) That involve timber harvesting or road construction on forest lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides:

(i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 or 84.34 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application~~(s)~~; and/or

~~((e))~~ ~~(d)~~ Which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to

applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to ~~((lands either~~

~~(i) Platted after January 1, 1960, as provided in chapter 58.17 RCW; or~~

~~((ii) On))~~ forest lands that ~~((have or))~~ are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to ~~((subparagraphs))~~ ~~(b)~~ ~~((i))~~ and ~~((ii))~~ of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.205. In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.



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(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

**Sec. 2.** RCW 76.09.240 and 2010 c 219 s 1 are each amended to read as follows:

(1)(a) Counties planning under RCW 36.70A.040 with a population greater than one hundred thousand, and the cities and towns within those counties, where more than a total of twenty-five Class IV forest practices applications, as defined in RCW 76.09.050(1) Class IV (a) through (d), have been filed with the department between January 1, 2003, and December 31, 2005, shall adopt and enforce ordinances or regulations as provided in subsection (2) of this section for the following:

(i) Forest practices classified as Class I, II, III, and IV that are within urban growth areas designated under RCW 36.70A.110, except for forest practices on ownerships of contiguous forest land equal to or greater than twenty acres where the forest landowner provides, to the department and the county, city, or town, a written statement of intent, signed by the forest landowner, not to convert to a use other than growing commercial timber for ten years. This statement must be accompanied by either:

(A) A written forest management plan acceptable to the department; or

(B) Documentation that the land is enrolled as forest land of long-term commercial significance under the provisions of chapter 84.33 RCW; and

(ii) Forest practices classified as Class IV, outside urban growth areas designated under RCW 36.70A.110, involving either timber harvest or road construction, or both on:

(A) ~~(Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;~~

~~(B))~~ Forest lands that ~~((have or))~~ are being converted to another use; or

~~((C))~~ (B) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development;

(b) Counties planning under RCW 36.70A.040, and the cities and towns within those counties, not included in (a) of this subsection, may adopt and enforce ordinances or regulations as provided in (a) of this subsection; and

(c) Counties not planning under RCW 36.70A.040, and the cities and towns within those counties, may adopt and enforce ordinances or regulations as provided in subsection (2) of this section for forest practices classified as Class IV involving either timber harvest or road construction, or both on:

(i) ~~(Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;~~

~~—(ii))~~ Forest lands that ~~((have or))~~ are being converted to another use; or

~~((iii))~~ (ii) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development.

(2) Before a county, city, or town may regulate forest practices under subsection (1) of this section, it shall ensure that its critical areas and development regulations are in compliance with RCW 36.70A.130 and, if applicable, RCW 36.70A.215. The county, city, or town shall notify the department and the department of ecology in writing sixty days prior to adoption of the development regulations required in this section. The transfer of jurisdiction

shall not occur until the county, city, or town has notified the department, the department of revenue, and the department of ecology in writing of the effective date of the regulations. Ordinances and regulations adopted under subsection (1) of this section and this subsection must be consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060, and shall at a minimum include:

(a) Provisions that require appropriate approvals for all phases of the conversion of forest lands, including land clearing and grading; and

(b) Procedures for the collection and administration of permit and recording fees.

(3) Activities regulated by counties, cities, or towns as provided in subsections (1) and (2) of this section shall be administered and enforced by those counties, cities, or towns. The department shall not regulate these activities under this chapter.

(4) The board shall continue to adopt rules and the department shall continue to administer and enforce those rules in each county, city, or town for all forest practices as provided in this chapter until such a time as the county, city, or town has updated its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215, and has adopted ordinances or regulations under subsections (1) and (2) of this section. However, counties, cities, and towns that have adopted ordinances or regulations regarding forest practices prior to ~~((July 22, 2007;))~~ the effective date of this section are not required to readopt their ordinances or regulations in order to satisfy the requirements of this section except as necessary to ensure consistency with Class IV forest practices as defined in RCW 76.09.050.

(5) Upon request, the department shall provide technical assistance to all counties, cities, and towns while they are in the process of adopting the regulations required by this section, and after the regulations become effective.

(6) For those forest practices over which the board and the department maintain regulatory authority no county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(a) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only~~((or (i)))~~ where the application submitted under RCW 76.09.060 as now or hereafter amended indicates that the lands ~~((have been or will be))~~ are being converted to a use other than commercial forest product production~~((; or (ii) on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW))~~: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(b) Taxing powers;

(c) Regulatory authority with respect to public health; and

(d) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971."

(7) All counties and cities adopting or enforcing regulations or ordinances under this section shall include in the regulation or ordinance a requirement that a verification accompany every permit issued for forest land by that county or city associated with the conversion to a use other than commercial timber operation, as that term is defined in RCW 76.09.020, that verifies that the land in question is not or has not been subject to a notice of conversion to nonforestry uses under RCW 76.09.060 during the six-year period prior to the submission of a permit application.

(8) To improve the administration of the forest excise tax created in chapter 84.33 RCW, a county, city, or town that regulates forest practices under this section shall report permit information to the department of revenue for all approved forest practices permits. The permit information shall be reported to the department of revenue no later than sixty days after the date the permit was approved and shall be in a form and manner agreed to by the county, city, or town and the department of revenue. Permit information includes the landowner's legal name, address, telephone number, and parcel number.

**Sec. 3.** RCW 43.21C.037 and 1997 c 173 s 6 are each amended to read as follows:

(1) Decisions pertaining to applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050, are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices:

(a) ~~((on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b)))~~ On forest lands that ~~((have or))~~ are being converted to another use~~((;))~~; or

~~((=))~~ (b) On lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter. The evaluation shall be made within ten days from the date the department receives the application. A Class IV forest practice application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Marine Waters to House Bill No. 1582.

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

#### MOTION

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

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "and amending RCW 76.09.050, 76.09.240, and 43.21C.037."

#### MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 1582 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 Ranker and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1582 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1582 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Regala

HOUSE BILL NO. 1582 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1202, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Taylor and Moscoso)

Creating a pilot project to allow spirits sampling in state liquor stores and contract stores.

The measure was read the second time.

#### MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The liquor control board shall establish a pilot project to allow spirits sampling in state liquor stores as defined in RCW 66.16.010 and contract stores as defined in RCW 66.04.010(11) for the purpose of promoting the sponsor's products. For purposes of this section, "sponsors" means: A domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310.

(a) The pilot project shall consist of thirty locations with at least six samplings to be conducted at each location between September 1, 2011, and September 1, 2012. However, no state liquor store or contract store may hold more than one spirits sampling per week during the project period.

(b) The pilot project locations shall be determined by the board. Before the board determines which state liquor stores or contract stores will be eligible to participate in the sampling pilot, it shall give:

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(i) Due consideration to the location of the state liquor store or contract store with respect to the proximity of places of worship, schools, and public institutions;

(ii) Due consideration to motor vehicle accident data in the proximity of the state liquor store or contract store; and

(iii) Written notice by certified mail of the proposed spirits sampling to places of worship, schools, and public institutions within five hundred feet of the liquor store proposed to offer spirits sampling.

(c) Sampling must be conducted under the following conditions:

(i) Sampling may take place only in an area of a state liquor store or contract store in which access to persons under twenty-one years of age is prohibited;

(ii) Samples may be provided free of charge;

(iii) Only persons twenty-one years of age or over may sample spirits;

(iv) Each sample must be one-quarter ounce or less, with no more than one ounce of samples provided per person per day;

(v) Only sponsors may serve samples;

(vi) Any person involved in the serving of such samples must have completed a mandatory alcohol server training program;

(vii) No person who is apparently intoxicated may sample spirits;

(viii) The product provided for sampling must be available for sale at the state liquor store or contract store where the sampling occurs at the time of the sampling; and

(ix) Customers must remain on the state liquor store or contract store premise while consuming samples.

(d) The liquor control board may prohibit sampling at a pilot project location that is within the boundaries of an alcohol impact area recognized by resolution of the board if the board finds that the sampling activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area.

(e) All other criteria needed to establish and monitor the pilot project shall be determined by the board.

(f) The board shall report on the pilot project to the appropriate committees of the legislature by December 1, 2012. The board's report shall include the results of a survey of liquor store managers and contract liquor store managers.

(2) The liquor control board may adopt rules to implement this section.

**Sec. 2.** RCW 66.08.050 and 2005 c 151 s 3 are each amended to read as follows:

The board, subject to the provisions of this title and the rules, shall:

(1) Determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) Appoint in cities and towns and other communities, in which no state liquor store is located, contract liquor stores. In addition, the board may appoint, in its discretion, a manufacturer that also manufactures liquor products other than wine under a license under this title, as a contract liquor store for the purpose of sale of liquor products of its own manufacture on the licensed premises only. Such contract liquor stores shall be authorized to sell liquor under the guidelines provided by law, rule, or contract, and such contract liquor stores shall be subject to such additional rules and regulations consistent with this title as the board may require. Sampling on contract store premises is permitted under this act;

(3) Establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) Provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for

remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) Execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) Pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) Require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) Perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) Accept and deposit into the general fund-local account and disburse, subject to appropriation, federal grants or other funds or donations from any source for the purpose of improving public awareness of the health risks associated with alcohol consumption by youth and the abuse of alcohol by adults in Washington state. The board's alcohol awareness program shall cooperate with federal and state agencies, interested organizations, and individuals to effect an active public beverage alcohol awareness program;

(11) Perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor: PROVIDED, That the board shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

**Sec. 3.** RCW 66.16.070 and 1933 ex.s. c 62 s 10 are each amended to read as follows:

No employee in a state liquor store shall open or consume, or allow to be opened or consumed any liquor on the store premises, except for the purposes of conducting on-premise spirits sampling pursuant to the provisions of this act.

**Sec. 4.** RCW 66.28.040 and 2009 c 373 s 8 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor shall, within the state of Washington, give to any person any liquor; but nothing in this section nor in RCW 66.28.010 shall prevent a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor control board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210, and in the case of spirituous liquor, any product used for samples must be purchased at retail from the board; nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board; nothing in this section shall prevent a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150; nothing in this section shall prevent a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to

a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under section 501(c)(3) or (6) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3) or (6)) for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section shall prevent a domestic brewery or microbrewery from serving beer without charge, on the brewery premises; nothing in this section shall prevent donations of wine for the purposes of RCW 66.12.180; nothing in this section shall prevent a domestic winery from serving wine without charge, on the winery premises; ~~((and))~~ nothing in this section shall prevent a craft distillery from serving spirits without charge, on the distillery premises subject to RCW 66.24.145; and nothing in this section prohibits spirits sampling under this act.

NEW SECTION. **Sec. 5.** This act expires December 1, 2012."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to Engrossed Substitute House Bill No. 1202.

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

#### MOTION

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

On page 1, line 1 of the title, after "sampling;" strike the remainder of the title and insert "amending RCW 66.08.050, 66.16.070, and 66.28.040; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1202 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 Kohl-Welles spoke in favor of passage of the bill.

Senator Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1202 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1202 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Pridemore, Ranker, Schoesler, Tom and White

Voting nay: Senators Becker, Benton, Ericksen, Hargrove, Haugen, Honeyford, Kastama, Morton, Parlette, Prentice, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Regala

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1202 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

HOUSE BILL NO. 1649, by Representatives Jinkins, Pedersen, Kenney, Pettigrew, Ladenburg, Lytton, Stanford, Billig, Ryu, Liias, Seaquist, Darneille, Dickerson, Dunshee, Fitzgibbon, Upthegrove, Reykdal, Finn, Moscoso, Takko, Rolfes, Clibborn, Jacks, Morris, Cody, Roberts, Orwall, Green, Van De Wege, Ormsby, Hudgins, Sells, Kelley, Blake, Appleton, Kagi, Santos, Hurst, Kirby, Eddy, Probst, Springer, Miloscia, Maxwell, Sullivan, Goodman, Frockt, Carlyle, Haigh, Moeller, Hunter, Tharinger, Hunt, McCoy and Hasegawa

Concerning reciprocity and statutory construction with regard to domestic partnerships.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Swecker and Ranker spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

#### MOTION

On motion of Senator Fraser, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1649.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Chase, Conway, Eide, Fain, Fraser, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Pridemore, Ranker, Rockefeller, Shin, Swecker, Tom and White

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Delvin, Ericksen, Hargrove, Hewitt, Holmquist Newbry, Honeyford, King, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Prentice and Regala

HOUSE BILL NO. 1649, 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.

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## SECOND READING

HOUSE BILL NO. 1150, by Representatives Smith, Probst, Schmick, Warnick, Dahlquist, Hunt, Ross, Pearson, Dammeier, Kenney, Rodne, Kagi, Hargrove, Harris, Nealey, Short, Liias, Orcutt, Finn, Kelley, Takko, Taylor, Maxwell, Bailey, Reykdal, Upthegrove, Billig, Kristiansen, Frockt, Carlyle, Blake, Springer, Angel, Hurst, McCune, Rolfes, Condotta and Klippert

Extending the time in which a small business may correct a violation without a penalty.

The measure was read the second time.

## MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1150.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1150 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Prentice and Regala

HOUSE BILL NO. 1150, 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. 1467, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Buys, Blake, Chandler, Pearson, Fagan, Overstreet, Harris, Wilcox, Johnson, Haler, Warnick, McCune and Kelley)

Modifying the definition of a well for the purposes of chapter 18.104 RCW.

The measure was read the second time.

## MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.104.020 and 2005 c 84 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned well" means a well that is unmaintained or is in such disrepair that it is unusable or is a risk to public health and welfare.

(2) "Constructing a well" or "construct a well" means:

- (a) Boring, digging, drilling, or excavating a well;
- (b) Installing casing, sheeting, lining, or well screens, in a well;
- (c) Drilling a geotechnical soil boring; or
- (d) Installing an environmental investigation well.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(3) "Decommission" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(4) "Department" means the department of ecology.

(5) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert groundwater for the purpose of facilitating construction, stabilizing a landslide, or protecting an aquifer.

(6) "Director" means the director of the department of ecology.

(7) "Environmental investigation well" means a cased hole intended or used to extract a sample or samples of groundwater, vapor, or soil from an underground formation and which is decommissioned immediately after the sample or samples are obtained. An environmental investigation well is typically installed using direct push technology or auger boring and uses the probe, stem, auger, or rod as casing. An environmental investigation well is not a geotechnical soil boring.

(8) "Geotechnical soil boring" or "boring" means a well drilled for the purpose of obtaining soil samples or information to ascertain structural properties of the subsurface.

(9) "Ground source heat pump boring" means a vertical boring constructed for the purpose of installing a closed loop heat exchange system for a ground source heat pump.

(10) "Groundwater" means and includes groundwaters as defined in RCW 90.44.035.

(11) "Grounding well" means a grounding electrode installed in the earth by the use of drilling equipment to prevent buildup of voltages that may result in undue hazards to persons or equipment. Examples are anode and cathode protection wells.

(12) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes borehole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(13) "Monitoring well" means a well designed to obtain a representative groundwater sample or designed to measure the water level elevation in either clean or contaminated water or soil.

(14) "Observation well" means a well designed to measure the depth to the water level elevation in either clean or contaminated water or soil.

(15) "Operator" means a person who (a) is employed by a well contractor; (b) is licensed under this chapter; or (c) who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(16) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation, association, other entity, or any combination of these, who owns the property on which the well is or will be constructed or has the right to the well by means of an easement, covenant, or other enforceable legal instrument for the purpose of benefiting from the well.

(17) "Pollution" and "contamination" have the meanings provided in RCW 90.48.020.

(18) "Remediation well" means a well intended or used to withdraw groundwater or inject water, air (for air sparging), or other solutions into the subsurface for the purpose of remediating, cleaning up, or controlling potential or actual groundwater contamination.

(19) "Resource protection well" means a cased boring intended or used to collect subsurface information or to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, remediation wells, environmental investigation wells, vapor extraction wells, ground source heat pump boring, grounding wells, and instrumentation wells.

(20) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(21) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering, or withdrawal of groundwater. "Water wells" include ground source heat pump borings and grounding wells.

(22) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(23)(a) "Well" means water wells, resource protection wells, dewatering wells, and geotechnical soil borings.

(b) Well does not mean an excavation made for the purpose of:

(i) Obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products;

(ii) Siting and constructing an on-site sewage disposal system as defined in RCW 70.118.020 or a large on-site sewage system as defined in RCW 70.118B.010; or

(iii) Inserting any device or instrument less than ten feet in depth into the soil for the sole purpose of performing soil or water testing or analysis or establishing soil moisture content as long as there is no withdrawal of water in any quantity other than as necessary to perform the intended testing or analysis.

(24) "Well contractor" means a resource protection well contractor and a water well contractor licensed and bonded under chapter 18.27 RCW."

Senator Rockefeller spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy to Substitute House Bill No. 1467.

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

#### MOTION

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

On page 1, line 1 of the title, after "well;" strike the remainder of the title and insert "and amending RCW 18.104.020."

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1467 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 Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1467 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1467 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Prentice and Regala

SUBSTITUTE HOUSE BILL NO. 1467 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. 1502, by House Committee on Community Development & Housing (originally sponsored by Representatives Ormsby, Kenney, Smith, Moeller, Sells, Condotta, Ryu, Billig and Roberts)

Clarifying the manufactured housing and mobile home program functions and account.

The measure was read the second time.

#### MOTION

Senator Hobbs moved that the following committee amendment by the Committee on Financial Institutions, Housing & Insurance be adopted:

On page 7, after line 10, insert the following:

"Sec. 9. RCW 35.63.161 and 2004 c 210 s 1 are each amended to read as follows:

(1) After June 10, 2004, a city may designate a new manufactured housing community as a nonconforming use, but may not order the removal or phased elimination of an existing manufactured housing community because of its status as a nonconforming use.

(2) A city may not prohibit the entry or require the removal of a manufactured/mobile home, park model, or recreational vehicle authorized in a manufactured housing community under chapter 59.20 RCW on the basis of the community's status as a nonconforming use.

Sec. 10. RCW 35A.63.146 and 2004 c 210 s 2 are each amended to read as follows:

(1) After June 10, 2004, a code city may designate a manufactured housing community as a nonconforming use, but may not order the removal or phased elimination of an existing manufactured housing community because of its status as a nonconforming use.

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(2) A code city may not prohibit the entry or require the removal of a manufactured/mobile home, park model, or recreational vehicle authorized in a manufactured housing community under chapter 59.20 RCW on the basis of the community's status as a nonconforming use.

**Sec. 11.** RCW 36.70.493 and 2004 c 210 s 3 are each amended to read as follows:

(1) After June 10, 2004, a county may designate a manufactured housing community as a nonconforming use, but may not order the removal or phased elimination of an existing manufactured housing community because of its status as a nonconforming use.

(2) A county may not prohibit the entry or require the removal of a manufactured/mobile home, park model, or recreational vehicle authorized in a manufactured housing community under chapter 59.20 RCW on the basis of the community's status as a nonconforming use."

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

Senator Hobbs spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Financial Institutions, Housing & Insurance to Substitute House Bill No. 1502.

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

## MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "manufactured housing and mobile homes; amending RCW 59.22.010, 59.22.050, 43.22A.100, 46.17.150, 59.20.300, 59.22.020, 59.21.050, 35.63.161, 35A.63.146, and 36.70.493; reenacting and amending RCW 43.15.020; creating a new section; and repealing RCW 59.22.070 and 59.22.090."

## MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1502 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 Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1502 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1502 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Prentice and Regala

SUBSTITUTE HOUSE BILL NO. 1502 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1572, by House Committee on Local Government (originally sponsored by Representatives Pettigrew, Kagi, Reykdal, Haigh, Takko, Kenney, Moscoso, Hasegawa, Moeller and Frockt)

Authorizing public utility districts to request voluntary contributions to assist low-income customers with payment of water and sewer bills.

The measure was read the second time.

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 1572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1572.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1572 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Regala

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1572, 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

HOUSE BILL NO. 1298, by Representative Kelley

Concerning child support order summary report forms.

The measure was read the second time.

## MOTION

On motion of Senator Delvin, the rules were suspended, House Bill No. 1298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1298.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1298 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Regala

HOUSE BILL NO. 1298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, March 31, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate





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