

## SIXTY FIFTH LEGISLATURE - REGULAR SESSION

## SEVENTY FIRST DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2017-4627, by Representative Vick**

WHEREAS, It is the policy of the Washington State Legislature to honor excellence in every field of endeavor; and

WHEREAS, For the first time in school history, the Camas Papermakers' Boys Swim Team won the 2017 4A Washington State Swim Championship; and

WHEREAS, On February 10 and 11, 2017, at the 4A district meet, the Papermakers set 18 pool and district records, won every event they entered, and qualified for the boys 4A State Swim Tournament; and

WHEREAS, On February 17 and 18, 2017, at the State Championship Meet, the Papermakers put on a dominant performance to win the state title, scoring 302 points, which was 96 more than the second place team; and

WHEREAS, At the State Meet, the Papermakers' Swim Team had a tremendous weekend of improved times; great team camaraderie; and fast swimming, with strong support from families, friends, and students; and

WHEREAS, The team showed strong unity, determination, and dedication to achieve their season long goal of bringing home the 4A state trophy, something that has never been done by a school south of Tacoma; and

WHEREAS, Swimmer Mark Kim won the 200 and 500 meter freestyle races, Tom Utas took first in the 50 meter freestyle, and Mark Kim, Eric Wu, Jaden Kim, and Tom Utas earned a victory in the 200 freestyle relay; and

WHEREAS, The Camas High School Boys 4A Swim Team State Championship participants were: Luke Albert, Jeff Fadlovich, Tom Utas, Finn McClone, Mark Kim, Chris Xia, Brian Andrade, Jaden Kim, Eric Wu, and Austin Fogel; and

WHEREAS, The Papermakers' coach and 4A Boys coach of the year, Mike Bemis, acknowledged that this team's title is a testament to both his current squad as well as past swimmers who helped set up the Papermakers' success; and

House Chamber, Olympia, Monday, March 20, 2017

WHEREAS, The Camas Papermakers' swimmers have exemplified to their classmates the success that is possible in any field of endeavor when clear goals are established and when persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Camas High School Boys Swim Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to coach Mike Bemis and Camas High School.

There being no objection, HOUSE RESOLUTION NO. 4627 was adopted.

There being no objection, the House advanced to the fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 2166 by Representatives Harmsworth, Hargrove and Muri

AN ACT Relating to nullifying the imposition of certain taxes within regional transit authority boundaries; amending RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2167 by Representatives Harmsworth, Hargrove and Muri

AN ACT Relating to nullifying the imposition of certain taxes within regional transit authority boundaries; amending RCW 81.104.175; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2168 by Representatives Harmsworth, Rodne, Irwin, Graves, Orcutt, Pike, McDonald, Hargrove, Stambaugh and Muri

AN ACT Relating to the administration of motor vehicle excise taxes by regional transit authorities;

amending RCW 82.44.135, 81.104.160, 82.44.035, and 81.104.190; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

#### REPORTS OF STANDING COMMITTEES

March 16, 2017

**SB 5030** Prime Sponsor, Senator Darneille:  
Concerning human trafficking,  
prostitution, and commercial sexual abuse  
of a minor. Reported by Committee on  
Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Because of the serious nature of human trafficking related offenses, and the power, control, and exploitation exerted over victims, the legislature finds the statute of limitations on these offenses should be extended. Victims are often under the control of their trafficker for significant periods of time and may not be willing or able to report their perpetrator until they are free from their control.

(2) The legislature finds that statutes governing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution should be consistent with all human trafficking related statutes, and reflect the practical reality of the crimes, which often involve an exchange of drugs or gifts for the commercial sex act.

**Sec. 2.** RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;

(iii) Arson if a death results;

(iv) Vehicular homicide;

(v) Vehicular assault if a death results;

(vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).

(b) Except as provided in (c) of this subsection, the following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results;

(iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission.

(B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted more than three years after its commission; (~~(e)~~)

(iv) Indecent liberties under RCW 9A.44.100(1)(b); or

(v) Trafficking under RCW 9A.40.100.

(c) Violations of the following statutes, when committed against a victim under the age of eighteen, may be prosecuted up to the victim's thirtieth birthday: RCW 9A.44.040 (rape in the first degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a child in the first degree), 9A.44.076 (rape of a child in the second degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083 (child molestation in the first degree), 9A.44.086 (child molestation in the second degree), 9A.44.089 (child molestation in the third degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or 9.68A.040 (sexual exploitation of a minor).

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

(i) RCW 9.68A.100 (commercial sexual abuse of a minor);

(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor); or

(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor).

(e) The following offenses shall not be prosecuted more than six years after their commission or their discovery, whichever occurs later:

(i) Violations of RCW 9A.82.060 or 9A.82.080;

(ii) Any felony violation of chapter 9A.83 RCW;

(iii) Any felony violation of chapter 9.35 RCW;

(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception; or

(v) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010.

~~((e))~~ (f) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

~~((f))~~ (g) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

~~((g))~~ (h) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c) (3).

~~((h))~~ (i) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

~~((i))~~ (j) No gross misdemeanor may be prosecuted more than two years after its commission.

~~((j))~~ (k) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

**Sec. 3.** RCW 9.68A.100 and 2013 c 302 s 2 are each amended to read as follows:

(1) A person is guilty of commercial sexual abuse of a minor if:

(a) He or she ~~((pays a fee))~~ provides anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she ~~((pays or agrees to pay a fee))~~ provides or agrees to provide anything of value to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for ~~((a fee))~~ anything of value.

(2) Commercial sexual abuse of a minor is a class B felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) Consent of a minor to the sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 4.** RCW 9.68A.101 and 2013 c 302 s 3 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or ~~((other property))~~ anything of value pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(c) A person "advances a sexually explicit act of a minor" if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(d) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which ~~((something))~~ anything of value is given or received.

(e) A "patron" is a person who ~~((pays or agrees to pay a fee))~~ provides or agrees to provide anything of value to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

(4) Consent of a minor to the sexually explicit act or sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

**Sec. 5.** RCW 9A.88.060 and 2011 c 336 s 412 are each amended to read as follows:

The following definitions are applicable in RCW 9A.88.070 through 9A.88.090:

(1) "Advances prostitution." A person "advances prostitution" if, acting other than as a prostitute or as a customer thereof, he or she causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

(2) "Profits from prostitution." A person "profits from prostitution" if, acting other than as a prostitute

receiving compensation for personally rendered prostitution services, he or she accepts or receives money or (~~other property~~) anything of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

March 15, 2017  
ESB 5042 Prime Sponsor, Senator Angel: Authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, J., Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

March 16, 2017  
SSB 5083 Prime Sponsor, Committee on Law & Justice: Requiring the prosecuting attorney to use reasonable efforts in notifying a victim of a sex or kidnapping offender's petition for relief from registration. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

March 16, 2017  
SB 5316 Prime Sponsor, Senator Fortunato: Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Muri, Assistant Ranking Minority Member; Frame;

Goodman; Graves; Haler; Hansen; Kirby; Klippert; Orwall and Shea.

Referred to Committee on Rules for second reading.

March 15, 2017  
SSB 5343 Prime Sponsor, Committee on Transportation: Concerning notice sent by and certain release of information affecting registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton and Van Werven.

Referred to Committee on Rules for second reading.

March 15, 2017  
SSB 5402 Prime Sponsor, Committee on Transportation: Creating the Cooper Jones bicyclist safety advisory council. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Stambaugh; Tarleton and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Rodne and Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Pike.

Referred to Committee on Rules for second reading.

March 16, 2017  
SSB 5405 Prime Sponsor, Committee on Ways & Means: Requiring protection for occupants of national guard facilities. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Passed to Committee on Appropriations.

SB 5649 March 15, 2017  
 Prime Sponsor, Senator Hawkins:  
 Modifying the eligibility requirements for  
 certain counties to form a regional  
 transportation planning organization.  
 Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by  
 Representatives Clibborn, Chair; Farrell, Vice Chair;  
 Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking  
 Minority Member; Hargrove, Assistant Ranking  
 Minority Member; Harmsworth, Assistant Ranking  
 Minority Member; Chapman; Gregerson; Irwin; Kloba;  
 Lovick; Morris; Pellicciotti; Pike; Riccelli; Rodne;  
 Stambaugh; Tarleton and Van Werven.

MINORITY recommendation: Do not pass. Signed by  
 Representative Shea.

Referred to Committee on Rules for second reading.

SSB 5655 March 15, 2017  
 Prime Sponsor, Committee on Financial  
 Institutions & Insurance: Concerning the  
 delivery of insurance notices and

documents by electronic means. Reported  
 by Committee on Business & Financial  
 Services

MAJORITY recommendation: Do pass. Signed by  
 Representatives Kirby, Chair; Reeves, Vice Chair; Vick,  
 Ranking Minority Member; Walsh, J., Assistant  
 Ranking Minority Member; Barkis; Bergquist; Blake;  
 Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
 committee reports under the fifth order of business were  
 referred to the committees so designated.

There being no objection, the House adjourned until  
 9:55 a.m., March 21, 2017, the 72nd Day of the Regular  
 Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk