

**THIRTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 16, 2010

The Senate was called to order at 9:30 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 Fairley, Hargrove, Haugen, McCaslin and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Keegan Monson and Gillian Bishop, presented the Colors Reverend, Mike Neil, Washington State Department of Fish & Wildlife Chaplain 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**

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

**MESSAGE FROM THE HOUSE**

February 15, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1418,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2539,

ENGROSSED SUBSTITUTE HOUSE BILL 2571,

ENGROSSED HOUSE BILL 2830,

ENGROSSED HOUSE BILL 2831,

SUBSTITUTE HOUSE BILL 2962,

SUBSTITUTE HOUSE BILL 2990,

SECOND SUBSTITUTE HOUSE BILL 3076,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 15, 2010

MR. PRESIDENT

The House has passed:

SUBSTITUTE HOUSE BILL 1545,

SECOND SUBSTITUTE HOUSE BILL 1572,

SECOND SUBSTITUTE HOUSE BILL 2016,

SUBSTITUTE HOUSE BILL 2408,

SUBSTITUTE HOUSE BILL 2416,

SUBSTITUTE HOUSE BILL 2471,

HOUSE BILL 2495,

HOUSE BILL 2511,

SUBSTITUTE HOUSE BILL 2527,

HOUSE BILL 2567,

SECOND SUBSTITUTE HOUSE BILL 2603,

HOUSE BILL 2642,

THIRD SUBSTITUTE HOUSE BILL 2687,

SUBSTITUTE HOUSE BILL 2704,

HOUSE BILL 2734,  
SECOND SUBSTITUTE HOUSE BILL 2759,  
SUBSTITUTE HOUSE BILL 2789,  
SUBSTITUTE HOUSE BILL 2818,  
SECOND SUBSTITUTE HOUSE BILL 2867,  
SUBSTITUTE HOUSE BILL 2884,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 15, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED HOUSE BILL 1653,

ENGROSSED SUBSTITUTE HOUSE BILL 2496,

ENGROSSED SUBSTITUTE HOUSE BILL 2541,

ENGROSSED SUBSTITUTE HOUSE BILL 2756,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2793,

ENGROSSED SUBSTITUTE HOUSE BILL 3048,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

E2SHB 1096 by House Committee on General Government Appropriations (originally sponsored by Representatives Hasegawa, Green, Kenney, Chase, Hudgins and Moeller)

AN ACT Relating to enhancing small business participation in state purchasing; amending RCW 39.29.050 and 43.19.1901; adding new sections to chapter 43.19 RCW; creating a new section; prescribing penalties; and providing expiration dates.

Referred to Committee on Economic Development, Trade & Innovation.

E2SHB 1149 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Williams, Roach, Simpson, Kirby, Dunshee, Nelson and Ormsby)

AN ACT Relating to protecting consumers from breaches of security; adding a new section to chapter 19.255 RCW; creating new sections; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 1162 by House Committee on Education Appropriations (originally sponsored by Representatives Dickerson, Quall, Sullivan, Haigh, Orwall, Liias, Takko, Kagi, Green, Simpson, Kenney and Nelson)

AN ACT Relating to social emotional learning in public schools; adding new sections to chapter 28A.300 RCW; and creating a new section.

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

E2SHB 1317 by House Committee on Ways & Means (originally sponsored by Representatives Kessler, Rodne, Simpson, O'Brien, Hunt, Hurst, Ormsby, Moeller, Chase, Sullivan and Kelley)

AN ACT Relating to disclosure of public records containing information used to locate or identify employees of criminal justice agencies; and amending RCW 42.56.250.

Referred to Committee on Government Operations & Elections.

2SHB 1591 by House Committee on Transportation (originally sponsored by Representatives Upthegrove, Clibborn, Simpson and Liias)

AN ACT Relating to the use of certain transportation benefit district funds; and amending RCW 36.73.015, 36.73.120, and 82.14.0455.

Referred to Committee on Transportation.

HB 1697 by Representatives Liias, Priest, Sullivan, Quall, Upthegrove, Santos, Kenney and Ormsby

AN ACT Relating to career and technical student organizations; and amending RCW 28A.300.380.

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

HB 1757 by Representatives Haigh, Haler, Kessler, Takko, Hinkle, Sullivan, McCune, Hunter, Cox, Finn, Priest and Van De Wege

AN ACT Relating to establishing a small school district contingency fund; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Ways & Means.

SHB 1949 by House Committee on Higher Education (originally sponsored by Representatives Liias, Sells, Hasegawa, Upthegrove, Quall, Conway, Simpson and Ormsby)

AN ACT Relating to appointing student members on the board of trustees for community colleges; amending RCW 28B.50.100; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 2138 by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson and Chase)

AN ACT Relating to the use of surplus property for the development of affordable housing; and amending RCW 43.63A.510, 47.12.063, 47.12.064, 43.20A.037, 72.09.055,

43.19.19201, 79A.05.170, 79A.05.175, 36.34.137, 35.21.687, 79.11.005, and 79.22.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 2396 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Morrell, Hinkle, Driscoll, Campbell, Cody, Van De Wege, Carlyle, Johnson, Simpson, Hurst, O'Brien, Clibborn, Nelson, Maxwell, Conway, McCoy and Moeller)

AN ACT Relating to emergency cardiac and stroke care; amending RCW 70.168.015 and 70.168.090; reenacting and amending RCW 42.56.360; adding new sections to chapter 70.168 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2397 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Moeller, Kretz, Dickerson, Schmick, Blake, Kristiansen, Driscoll, Armstrong, Liias, Dunshee, Hudgins, Eddy, Morris, Chase, Simpson, Kenney, Warnick, Ormsby and Hope)

AN ACT Relating to gathering signatures for an initiative or referendum at stand alone stores and retail stores that are located in commercial retail complexes; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2420 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Orcutt, Van De Wege, Conway, Kessler, Blake, Hope, Herrera, Liias, Sullivan, Campbell, Schmick, Quall, Dammeier, Chase, Takko, Morrell and Smith)

AN ACT Relating to the promotion of the industries that rely on the state's working land base; amending RCW 43.330.310 and 43.330.375; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

EHB 2444 by Representatives Williams, Campbell, Liias, Chase, Sells, Rolfes, Nelson, Simpson, Goodman, Ormsby, Miloscia, Kagi, Roberts, White, Conway, Kenney, Hasegawa and Haigh

AN ACT Relating to providing leave from employment for participating in a child's educational activities; amending RCW 49.78.010; adding a new section to chapter 49.78 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 2481 by House Committee on General Government Appropriations (originally sponsored by Representatives Van De Wege, Kretz, Blake, Hinkle, Ormsby, Dunshee, McCoy, Eddy, Upthegrove, Carlyle, Haler, Morrell, Warnick and Kessler)

AN ACT Relating to the department of natural resources authority to enter into forest biomass supply agreements;

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amending RCW 79.02.010, 43.30.020, 76.06.180, 79.15.100, 79.15.220, 79.15.510, and 79.15.510; adding a new chapter to Title 79 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2487 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Liias and Kelley)

AN ACT Relating to increasing costs for administering a deferred prosecution; and amending RCW 10.01.160.

Referred to Committee on Judiciary.

HB 2492 by Representatives Simpson, Green, White, Conway, Ericks and Morrell

AN ACT Relating to shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SHB 2503 by House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake)

AN ACT Relating to modernizing the criteria for membership on the board of natural resources without altering the number of members; and amending RCW 43.30.205.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 2504 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy, Morris, Van De Wege, McCoy, Haler, Chase, Armstrong, Schmick, Walsh, Hunt, Kessler, Ormsby and Short)

AN ACT Relating to minimum renewable fuel content requirements; amending RCW 19.112.020, 19.112.060, 19.112.110, 19.112.160, 19.112.900, 43.19.642, 42.56.270, and 43.19.646; adding a new section to chapter 19.112 RCW; creating new sections; repealing RCW 19.112.120, 19.112.130, 19.112.140, 19.112.150, 19.112.170, 19.112.180, and 43.19.643; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

ESHB 2538 by House Committee on Ecology & Parks (originally sponsored by Representatives Upthegrove, Taylor, Eddy, Pedersen, Clibborn, Chase and Springer)

AN ACT Relating to high-density urban development; amending RCW 82.02.020; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

ESHB 2547 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta,

Maxwell, Sullivan, Roach, Kessler, Sells, Kenney, Appleton, Hunter, Pedersen, Upthegrove, Hinkle, Ormsby, Herrera, Kretz, Hasegawa, Campbell, Takko, Springer, Dammeier and Haler)

AN ACT Relating to franchise agreements between new motor vehicle dealers and manufacturers; amending RCW 46.96.030, 46.96.070, 46.96.090, 46.96.105, 46.96.110, 46.96.185, and 46.96.200; and adding new sections to chapter 46.96 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 2565 by House Committee on Judiciary (originally sponsored by Representatives Ericksen, Simpson, Smith, Van De Wege, Sells, Orwall, Goodman, Morrell and Moeller)

AN ACT Relating to mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence of alcohol or drugs or being in physical control of a vehicle while under the influence of alcohol or drugs; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.55 RCW; and creating a new section.

Referred to Committee on Judiciary.

SHB 2566 by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Chase and Ormsby)

AN ACT Relating to exempting low-income housing from impact fees; and amending RCW 82.02.060 and 43.21C.065.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2580 by House Committee on Education (originally sponsored by Representatives Liias, Simpson and Sullivan)

AN ACT Relating to secondary career and technical courses; amending RCW 28B.50.531; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 2585 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kelley, Kirby and Moeller)

AN ACT Relating to insurance; and amending RCW 48.02.060, 48.38.010, 48.66.045, 48.155.010, 48.102.011, and 48.155.020.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2621 by Representatives Orwall, Maxwell, Darneille, Morrell and Haigh

AN ACT Relating to designating resource programs for science, technology, engineering, and mathematics instruction in K-12 schools; adding a new section to chapter 28A.630 RCW; and creating a new section.

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

E2SHB 2658 by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Maxwell, McCoy and Morrell)

AN ACT Relating to refocusing the mission of the department of commerce, including transferring programs; amending RCW 70.05.125, 43.330.210, 43.330.240, 19.27.070, 19.27.097, 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150, 19.27A.180, 43.21F.010, 43.21F.090, 36.27.100, 80.50.030, 43.110.030, 43.110.060, 43.110.080, 43.15.020, 35.21.185, 35.102.040, and 36.70B.220; reenacting and amending RCW 43.21F.025; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.21F RCW; creating new sections; recodifying RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, 43.330.220, 43.330.225, 43.330.230, and 43.330.240; decodifying RCW 43.63A.150; repealing RCW 43.21F.015, 43.110.010, 43.110.040, and 43.110.070; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

HB 2659 by Representatives Ormsby, Orcutt, Blake, Smith, Sullivan and Van De Wege

AN ACT Relating to modifying reporting requirements for timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

2SHB 2670 by House Committee on Ways & Means (originally sponsored by Representatives Haigh, Ericks, Quall, Sullivan, Kenney, Maxwell, Simpson, Priest, Dammeier and Kagi)

AN ACT Relating to restoring the school district levy base; amending RCW 84.52.0531; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2676 by Representatives Chase and Simpson

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

Referred to Committee on Environment, Water & Energy.

HB 2677 by Representatives Chase and Simpson

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

Referred to Committee on Environment, Water & Energy.

SHB 2678 by House Committee on Commerce & Labor (originally sponsored by Representatives Quall, Priest, Simpson, Sullivan and Conway)

AN ACT Relating to modifying distributions of funds by the horse racing commission to nonprofit race meets; and amending RCW 67.16.105.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2680 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Roberts, Kagi, Angel, Seaquist, Walsh, Maxwell and Kenney)

AN ACT Relating to implementing a guardianship program; amending RCW 13.34.232 and 13.34.234; reenacting and amending RCW 13.34.030 and 13.34.210; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; adding a new chapter to Title 13 RCW; creating a new section; and repealing RCW 13.34.230, 13.34.231, 13.34.236, and 13.34.238.

Referred to Committee on Human Services & Corrections.

SHB 2688 by House Committee on Commerce & Labor (originally sponsored by Representatives Hunter, Condotta, Chandler, Green, Moeller, Williams, Carlyle, Springer and Conway)

AN ACT Relating to creating a beer and wine tasting endorsement to the grocery store liquor license; reenacting and amending RCW 66.20.310, 66.20.300, and 66.28.310; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 2731 by House Committee on Ways & Means (originally sponsored by Representatives Goodman, Haler, Maxwell, Priest, Kagi, Sullivan, Seaquist, Quall, O'Brien, Jacks, Haigh, Pedersen, Darneille, Kenney, Rolfes, Hunter, Williams, Orwall, Liias, Carlyle, Roberts, Simpson, Walsh, Nelson, Kelley, Dickerson, Appleton, Eddy, Sells and Morrell)

AN ACT Relating to implementing a program of early learning for educationally at-risk children; amending RCW 28A.150.200 and 43.215.020; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.215 RCW; adding a new chapter to Title 28A RCW; creating new sections; repealing RCW 43.215.410 and 43.215.415; and providing effective dates.

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

HB 2735 by Representatives Goodman, Appleton, Rolfes, Seaquist, Finn, Rodne, Williams, Haigh, Pettigrew, Nelson, Darneille, Hasegawa and Ormsby

AN ACT Relating to the representation of children in dependency matters; amending RCW 13.34.100, 13.34.105, and 13.34.215; and creating new sections.

Referred to Committee on Human Services & Corrections.

SHB 2739 by House Committee on Transportation (originally sponsored by Representatives Simpson, Pearson, Liias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen and Chase)

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AN ACT Relating to the enforcement of certain school or playground crosswalk violations; amending RCW 46.61.235, 46.61.245, 46.61.261, and 46.61.440; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2747 by House Committee on Human Services (originally sponsored by Representatives Darneille, Cody, Williams, Kagi, Pedersen, Nelson, Dickerson, Hasegawa and Chase)

AN ACT Relating to the use of restraints on pregnant women or youth; amending RCW 72.09.015 and 13.40.020; reenacting and amending RCW 70.48.020; adding new sections to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Human Services & Corrections.

HB 2750 by Representatives Sells, Crouse, Dunshee and Simpson

AN ACT Relating to public utility districts and deferred compensation and supplemental savings plans; amending RCW 54.04.050; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2751 by Representatives Sells, Kenney, Nelson, Green, Ormsby, Conway, Campbell, Hasegawa, Seaquist, Simpson, Williams, Cody, Hudgins, Sullivan, Carlyle, Miloscia, Morrell, Hunt, Morris and Chase

AN ACT Relating to including a member from labor on community college boards of trustees; and amending RCW 28B.50.100.

Referred to Committee on Higher Education & Workforce Development.

SHB 2776 by House Committee on Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Maxwell, Dammeier, Carlyle, Finn, Anderson, Eddy, Nelson, Goodman, Orwall, Hunter, Simpson, Jacks, Kagi, Ormsby, Morrell, Probst and Santos)

AN ACT Relating to funding distribution formulas for K-12 education; amending RCW 28A.150.260, 28A.150.390, 28A.150.315, 43.41.398, 28A.160.192, 28A.150.410, and 28A.175.010; amending 2009 c 548 s 112 (uncodified); amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 805 (uncodified); adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.290 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; recodifying RCW 43.41.398; providing an effective date; providing an expiration date; and declaring an emergency.

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

ESHB 2790 by House Committee on Commerce & Labor (originally sponsored by Representative Conway)

AN ACT Relating to making technical and clarifying changes to the liquor laws; amending RCW 66.28.290, 66.24.360, 66.24.360, 66.24.371, 66.24.570, 66.24.580, 66.24.580, 66.28.040, 66.28.042, 66.28.043, 66.28.155, 66.28.190, 66.24.240, and 66.20.010; reenacting and amending RCW 66.24.371; repealing RCW 66.28.010; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 2854 by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Maxwell, Sells, Probst, Hasegawa, Pettigrew, Conway, Ericks, Sullivan, Hunt, Nelson, Quall, Chase, Ormsby, Lias, Upthegrove, Goodman, Pedersen, Santos, Morrell, Hudgins, Orwall, Cody, Eddy, Dickerson, Wallace, Kessler, Anderson and Simpson)

AN ACT Relating to making changes to the state higher education loan program; amending RCW 28B.97.010, 28B.97.020, and 43.79A.040; adding a new section to chapter 28B.97 RCW; creating a new section; and repealing RCW 28B.07.300, 28B.07.310, 28B.07.320, 28B.07.330, 28B.07.340, 28B.07.350, 28B.07.360, 28B.07.370, and 28B.07.380.

Referred to Committee on Higher Education & Workforce Development.

HB 2877 by Representative Moeller

AN ACT Relating to authorizing payment of regulated company stock in lieu of a portion of salary for educational employees; and amending RCW 28A.400.250.

Referred to Committee on Ways & Means.

ESHB 2886 by House Committee on Local Government & Housing (originally sponsored by Representatives Angel, Simpson and Wallace)

AN ACT Relating to the adoption of rules by the building code council regarding carbon monoxide alarm installation; amending RCW 19.27.530; and reenacting and amending RCW 64.06.020.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2893 by House Committee on Education Appropriations (originally sponsored by Representatives Sullivan, Carlyle, Hunter, Maxwell, Nelson, Hunt, Appleton, Simpson, Dickerson, White, Pedersen, Green, Sells, Eddy, Springer, Williams, Orwall, Goodman, Conway, Kenney, Rolfes, Ericks, Ormsby, Kagi, Roberts and Jacks)

AN ACT Relating to school levies; amending RCW 84.52.0531, 84.52.0531, 84.52.053, and 28A.500.020; amending 2009 c 4 s 909 (uncodified); amending 2006 c 119 s 3 (uncodified); reenacting and amending RCW 28A.500.030; creating new sections; providing an effective

date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2898 by Representatives Morrell, Pettigrew, Cody, Bailey, Kenney and Johnson

AN ACT Relating to maintaining the current medicaid nursing facility payment methodology through simplification of the nursing facility medicaid payment system statute; amending RCW 74.46.010, 74.46.020, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.439, 74.46.475, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, 74.46.521, 74.46.835, and 74.46.800; creating a new section; and repealing RCW 74.46.030, 74.46.040, 74.46.050, 74.46.060, 74.46.080, 74.46.090, 74.46.100, 74.46.155, 74.46.165, 74.46.190, 74.46.200, 74.46.220, 74.46.230, 74.46.240, 74.46.250, 74.46.270, 74.46.280, 74.46.290, 74.46.300, 74.46.310, 74.46.320, 74.46.330, 74.46.340, 74.46.350, 74.46.360, 74.46.370, 74.46.380, 74.46.390, 74.46.410, 74.46.445, 74.46.533, 74.46.600, 74.46.610, 74.46.620, 74.46.625, 74.46.630, 74.46.640, 74.46.650, 74.46.660, 74.46.680, 74.46.690, 74.46.700, 74.46.711, 74.46.770, 74.46.780, 74.46.790, 74.46.820, 74.46.900, 74.46.901, 74.46.902, 74.46.905, and 74.46.906.

Referred to Committee on Ways & Means.

ESHB 2913 by House Committee on Education Appropriations (originally sponsored by Representatives Haigh, Priest, Quall, Haler, Kessler, Kagi, Nealey, Finn, Maxwell, Sullivan and Kenney)

AN ACT Relating to authorizing innovative interdistrict cooperative high school programs; amending RCW 28A.225.200, 28A.225.200, 28A.545.040, 28A.545.120, 84.52.0531, and 84.52.0531; adding new sections to chapter 28A.340 RCW; creating new sections; providing effective dates; and providing expiration dates.

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

SHB 2933 by House Committee on Finance (originally sponsored by Representatives Ericks, Morrell and Dammeier)

AN ACT Relating to modifying sales and use tax provisions for the local infrastructure financing tool program; amending RCW 82.14.475; reenacting and amending RCW 39.102.020; and providing an expiration date.

Referred to Committee on Ways & Means.

E2SHB 2961 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Campbell, Hurst, Morrell, Kelley and Ormsby)

AN ACT Relating to establishing a statewide electronic tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 69.43.105, 69.43.110, and 42.56.240; adding new sections to chapter 69.43 RCW; and repealing RCW 69.43.170.

Referred to Committee on Health & Long-Term Care.

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

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

Referred to Committee on Ways & Means.

ESHB 2986 by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Upthegrove, Campbell, Carlyle, Lias, Driscoll, Williams, Ormsby, Sullivan, Nelson, Sells, Appleton, Chase, Seaquist, Ericks, Goodman, Morrell, Green, Dickerson, Hudgins, Van De Wege, White, Maxwell, Miloscia, Conway, Moeller, Jacks, Hurst, Kenney and Hasegawa)

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing bodies; and amending RCW 35.58.270, 36.57.030, and 36.57A.050.

Referred to Committee on Government Operations & Elections.

HB 2987 by Representatives Simpson and Williams

AN ACT Relating to the firefighters' pension fund; and amending RCW 41.16.050.

Referred to Committee on Ways & Means.

HB 3007 by Representatives Upthegrove, Orwall, Williams and Wallace

AN ACT Relating to authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses; and amending RCW 14.08.120.

Referred to Committee on Transportation.

E2SHB 3026 by House Committee on Ways & Means (originally sponsored by Representatives Santos, Quall, Chase, Upthegrove, Kenney, Hunt, Nelson, Lias, McCoy, Hudgins, Simpson and Darneille)

AN ACT Relating to school districts' compliance with state and federal civil rights laws; adding a new chapter to Title 28A RCW; and creating a new section.

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

HB 3030 by Representatives Fagan and Hinkle

AN ACT Relating to the administration of irrigation districts; amending RCW 87.03.001, 87.03.140, 87.03.436, and 87.03.443; and adding new sections to chapter 87.03 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

ESHB 3032 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Simpson and Bailey)

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AN ACT Relating to defining normal wear and tear for a motor vehicle for the purpose of a service contract; and reenacting and amending RCW 48.110.020.

SENATE BILL NO. 6776, by Senators Jacobsen, Swecker, Fraser, Morton, Zarelli, Schoesler, Hargrove, Ranker, Hatfield and McCaslin

Referred to Committee on Financial Institutions, Housing & Insurance.

Creating the joint work group on small forest landowner sustainability.

SHB 3060 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Simpson and Kirby)

The measure was read the second time.

MOTION

AN ACT Relating to surplus line coverage; and amending RCW 48.15.040 and 48.19.410.

Senator Jacobsen moved that the following amendment by Senators Jacobsen and Swecker be adopted:

Referred to Committee on Financial Institutions, Housing & Insurance.

On page 2, line 16, after "come" insert "without reducing protection to public resources"

SHB 3124 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Roberts, Kagi, Simpson and Kenney)

AN ACT Relating to requiring a report to child protective services when a child is present in the vehicle of a person arrested for driving or being in control of a vehicle while under the influence of alcohol or drugs; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 26.44 RCW.

On page 2, line 21, after "in the" strike "field of forestry" and insert "fields of forestry, tax policy, transfer of development rights, fish, and ecosystem service payments"

On page 2, line 24, after "wildlife," insert "federal experts on the state habitat conservation plan,"

On page 3, after line 22, insert the following:  
 "(g) Ways to address conversion pressures, global competition, and the gap between appraised values of forest land and the value for the same land for development.

Referred to Committee on Human Services & Corrections.

(h) The possibility of a pilot program for ecosystem service payments and technical funding assistance for small forest landowners."

Senator Jacobsen spoke in favor of adoption of the amendment.

E2SHB 3141 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Pettigrew, Seaquist, Kenney and Ormsby)

AN ACT Relating to redesigning the delivery of temporary assistance for needy families; amending RCW 74.08A.285 and 74.08A.320; adding new sections to chapter 74.08A RCW; adding a new section to chapter 43.215 RCW; creating a new section; and repealing RCW 74.08A.200.

The President declared the question before the Senate to be the adoption of the amendment by Senators Jacobsen and Swecker on page 2, line 16 to Senate Bill No. 6776.

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

PARLIAMENTARY INQUIRY

Referred to Committee on Human Services & Corrections.

Senator Jacobsen: "After it was amended on the floor and we change our script here, is it engrossed second substitute bill or is it second substitute senate bill?"

REPLY BY THE PRESIDENT

HJM 4024 by Representatives Angel, Wallace, Haler and Moeller

Concerning a memorial petitioning for the elimination of the term "mentally retarded" in federal law.

President Owen: "Engrossed."

Referred to Committee on Health & Long-Term Care.

MOTION

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Joint Memorial No. 4024 which was referred to the Committee on Health & Long-Term Care.

On motion of Senator Jacobsen, the rules were suspended, Engrossed Senate Bill No. 6776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

MOTION

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

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

MOTION

SECOND READING

On motion of Senator Brandland, Senators Benton, McCaslin, Pflug and Stevens were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6776.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6776 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Hargrove

Excused: Senators Fairley, Haugen, McCaslin and Pflug

ENGROSSED SENATE BILL NO. 6776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6644, by Senator Jacobsen

Concerning the possession and capture of birds of prey. Revised for 1st Substitute: Regarding falconry.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6644 was substituted for Senate Bill No. 6644 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6644.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6644 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

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

Voting nay: Senators Carrell, Hatfield, Holmquist, Honeyford, Parlette, Roach, Schoesler and Stevens

Excused: Senators Fairley, McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 6644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6309, by Senators Carrell, King and Roach

Including persons acquitted by reason of insanity within the slayer statute.

#### MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 6309 was substituted for Senate Bill No. 6309 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6309.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6309 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 6309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6349, by Senators Ranker, Holmquist, Haugen, Hobbs, Becker, Shin and Roach

Establishing a farm internship program.

#### MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6349 was substituted for Senate Bill No. 6349 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker and Holmquist spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6349.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6349 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 6349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6398, by Senators Kline, McDermott, Keiser, Hobbs, Murray, Jacobsen, Kohl-Welles and Gordon

Adding the definition of threat to malicious harassment provisions.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6398 was substituted for Senate Bill No. 6398 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6398.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6398 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 6398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6538, by Senators Keiser and Pflug

Defining small groups for insurance purposes.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6538 was substituted for Senate Bill No. 6538 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Pflug be adopted.

On page 6, line 16 after "(b)" strike "have the department of revenue" and "for the carrier"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Pflug on page 6, line 16 to Substitute Senate Bill No. 6538.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6538.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6538 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Becker and Hewitt

Excused: Senators Fairley and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Hobbs, Delvin, Shin and Roach

Addressing shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2.

The measure was read the second time.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Some of us in this row did not get the pink order of consideration. Could we receive that?"

REPLY BY THE PRESIDENT

President Owen: "You will receive it directly. Are there any members that did not get the pink order of consideration?"

## MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6453 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 Senate Bill No. 6453.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6470, by Senators Kauffman, Hargrove, Prentice, Gordon, Regala, Keiser, McAuliffe, Stevens and Kline

Addressing the burdens of proof required in dependency matters affecting Indian children.

## MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 6470 was substituted for Senate Bill No. 6470 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 6470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6470.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6470 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6634, by Senators Ranker, Hatfield, Morton, Haugen, Becker, Shin and Jacobsen

Establishing civil penalties for failure to comply with dairy nutrient management recordkeeping requirements.

## MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6634 was substituted for Senate Bill No. 6634 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6634.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6634 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

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

Voting nay: Senators Benton, Holmquist, Morton and Stevens

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6590, by Senators Kline, Delvin, Brandland and Hargrove

Requiring law enforcement officers to be honest and truthful. Revised for 1st Substitute: Stating the policy that law enforcement personnel be truthful and honest in the conduct of official business.

## MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6590 was substituted for Senate Bill No. 6590 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6590 was advanced to third reading,

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

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6590.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6590 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Brown

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6544, by Senators Berkey, Marr, Hobbs, Kilmer and Tom

Extending the time limitations for approval of plats.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6544 was substituted for Senate Bill No. 6544 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6544.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6544 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

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

Absent: Senators Benton and Kline

Excused: Senators Brown, Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6337, by Senators Regala, Carrell, Hargrove and Brandland

Concerning inmate savings accounts.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6337 was substituted for Senate Bill No. 6337 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of the passage of the bill.

MOTION

On motion of Senator Eide, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6337 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6251, by Senator Benton

Concerning nonresident surplus line brokers and insurance producers.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6251 was substituted for Senate Bill No. 6251 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6251 was advanced to third reading,

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

Senator Benton spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6251.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6251 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, Hewitt and McCaslin

SUBSTITUTE SENATE BILL NO. 6251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5237, by Senators Shin, Kilmer, Berkey, Kastama, Sheldon, Hobbs, Kauffman, Schoesler, Franklin and Fraser

Requiring the development of three-year baccalaureate programs.

#### MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin, Swecker and Franklin spoke in favor of the passage of the bill.

Senators Pflug, Parlette and Becker spoke against passage of the bill.

#### MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5237.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Hewitt, Holmquist, King, Murray, Parlette, Pflug, Schoesler, Stevens and Zarelli

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6658, by Senators Rockefeller, Morton and Pridemore

Modifying community solar project provisions for investment cost recovery incentives.

#### MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6658 was substituted for Senate Bill No. 6658 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 2, line 10, after "(iii)" strike "A solar energy system" and insert "(A) Except as provided in (B) of this subsection (2)(a)(iii), a solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business."

On page 2, line 11, after "electricity" strike "and" and insert "; and that"

On page 2, after line 14, insert the following: "(B) The one hundred kilowatt limitation in (A) of this subsection (2)(a)(iii) does not apply to any community solar system owned by a limited liability company that has received all required government permits and approvals and begins construction by December 31, 2010."

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 2, line 10 to Substitute Senate Bill No. 6658.

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

#### MOTION

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On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6658 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 Senate Bill No. 6658.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6658 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6395, by Senators Kline, Kauffman and Kohl-Welles

Addressing lawsuits aimed at chilling the valid exercise of the constitutional rights of speech and petition.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6395.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala,

Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brandland and Ranker

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6749, by Senators Fraser and Honeyford

Concerning the transfer of commercial real estate.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6749 was substituted for Senate Bill No. 6749 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6749.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6749 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Hatfield moved adoption of the following resolution:

SENATE RESOLUTION

8686

By Senators Hatfield, Schoesler, Jacobsen, Ranker, Shin, Morton, Haugen, and Becker

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young people in Washington to develop essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 85,000 young people and 9,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2009; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after-school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the state capitol as part of an annual statewide educational program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on the judicial system, including how a citizen functions within the judicial system, and how the process affects our views of democracy; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pat BoyEs, State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 4-H Youth Development Program Group who were seated in the gallery.

#### MOTION

At 11:38 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 15, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL 2399,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
2480,

ENGROSSED HOUSE BILL 2805,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
3024,

ENGROSSED SUBSTITUTE HOUSE BILL 3067,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6582, by Senators Keiser, Roach,  
Zarelli, Prentice and Kilmer

Concerning nursing assistant credentialing.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6582 was substituted for Senate Bill No. 6582 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.88A.010 and 1991 c 16 s 1 are each amended to read as follows:

(1) The legislature takes special note of the contributions made by nursing assistants in health care facilities whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of health care workers who provide for the basic needs of patients. The legislature also recognizes the growing shortage of nurses as the proportion of the elderly population grows and as the acuity of patients in hospitals and nursing homes becomes generally more severe.

(2) The legislature finds and declares that:

(a) Occupational nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement. The establishment of such a system should bring about a more stabilized workforce in health care facilities, as well as provide a valuable resource for recruitment into licensed nursing practice.

~~((The legislature finds that))~~ (b) The quality of patient care in health care facilities is dependent upon the competence of the personnel who staff their facilities. To assure the availability of trained personnel in health care facilities the legislature recognizes the need for training programs for nursing assistants.

~~((The legislature declares that))~~ (c) Certified home care aides are a valuable potential source of nursing assistants who will be needed to meet the care needs of the state's growing aging

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population. To assure continued opportunity for recruitment into nursing practice and career advancement for certified home care aides, nursing assistant training programs should recognize the relevant training and experience obtained by these credentialed professionals.

(d) The registration of nursing assistants and providing for voluntary certification of those who wish to seek higher levels of qualification is in the interest of the public health, safety, and welfare.

**Sec. 2.** RCW 18.88A.020 and 1994 sp.s. c 9 s 708 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Commission" means the Washington nursing care quality assurance commission.

(4) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility. The two levels of nursing assistants are (a) "nursing assistant-certified," an individual certified under this chapter, (b) "nursing assistant-registered," an individual registered under this chapter.

(5) "Approved training program" means a nursing assistant-certified training program approved by the commission to meet the training requirements of a state-approved nurse aide training and competency evaluation program within the meaning of 42 U.S.C. Sec. 1395i-3(e). For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the commission in cooperation with the board for community and technical colleges or the superintendent of public instruction.

(6) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, or other entity for delivery of health care services as defined by the commission.

(7) "Competency evaluation" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a nursing assistant.

(8) "Alternative training" means a nursing assistant-certified program meeting criteria adopted by the commission under section 3 of this act to meet the requirements of a state-approved nurse aide competency evaluation program within the meaning of 42 U.S.C. Sec. 1395i-3(e).

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.88A RCW to read as follows:

(1) The commission shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take a qualifying examination for nursing assistant certification. At least one option adopted by the commission must allow an applicant to take the examination if he or she:

(a) Is a certified home care aide pursuant to chapter 18.88B RCW; and

(b) Has successfully completed twenty-four hours of training that the commission determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide. In the commission's discretion, a portion of these hours may include clinical training.

(2) By January 1, 2011, the commission, in consultation with the secretary and representatives of consumers, workers, and employers, shall adopt rules to implement this section and to provide for credentialing reciprocity to the extent required by this

section between home care aide certification and nursing assistant certification. The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program by January 1, 2011.

(3) Beginning December 1, 2011, the secretary, in consultation with the commission, shall report annually by December 1st to the governor and the legislature on the progress made in achieving career advancement for certified home care aides into nursing practice.

**Sec. 4.** RCW 18.88A.030 and 1995 1st sp.s. c 18 s 52 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

((2)) (b) A health care facility ((shall)) may not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

((3)) (c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

((4)) (2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within four months after the date of employment; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

((5)) (3) The commission may adopt rules to implement the provisions of this chapter.

**Sec. 5.** RCW 18.88A.050 and 1991 c 16 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Set all certification, registration, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(2) Establish forms, procedures, and examinations necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a registration to any applicant who has met the requirements for registration;

(5) After January 1, 1990, issue a certificate to any applicant who has met the education, training, competency evaluation, and conduct requirements for certification;

(6) Maintain the official record for the department of all applicants and persons with registrations and certificates;

(7) Exercise disciplinary authority as authorized in chapter 18.130 RCW;

(8) Deny registration to any applicant who fails to meet requirement for registration;

(9) Deny certification to applicants who do not meet the education, training, competency evaluation, and conduct requirements for certification.

**Sec. 6.** RCW 18.88A.060 and 1994 sp.s. c 9 s 710 are each amended to read as follows:

In addition to any other authority provided by law, the commission may:

(1) Determine minimum nursing assistant education requirements and approve training programs;

(2) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations of training and competency for applicants for nursing assistant certification;

(3) ((Determine whether alternative methods of training are equivalent to approved training programs, and)) Establish forms(,) and procedures(, and criteria) for evaluation of an applicant's alternative training ((to determine the applicant's eligibility to take any qualifying examination for certification)) under criteria adopted pursuant to section 3 of this act;

(4) Define and approve any experience requirement for nursing assistant certification;

(5) Adopt rules implementing a continuing competency evaluation program for nursing assistants; and

(6) Adopt rules to enable it to carry into effect the provisions of this chapter.

**Sec. 7.** RCW 18.88A.085 and 2007 c 361 s 9 are each amended to read as follows:

(1) After January 1, 1990, the secretary shall issue a nursing assistant certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of an approved training program or successful completion of ((alternate)) alternative training meeting established criteria ((approved)) adopted by the commission under section 3 of this act; and

(b) Successful completion of a competency evaluation.

(2) ((The secretary may permit all or a portion of the training hours earned under chapter 74.39A RCW to be applied toward certification under this section.

(3)) In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW.

**Sec. 8.** RCW 18.88A.140 and 2003 c 140 s 3 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) A nursing assistant, while employed as a personal aide as defined in RCW 74.39.007 or a long-term care worker as defined in chapter 74.39A RCW, from accepting direction from an individual who is self-directing ~~((their))~~ his or her care.

**NEW SECTION. Sec. 9.** RCW 18.88A.115 (Home care aide certification reciprocity) and 2009 c 580 s 16 & 2009 c 2 s 11 (Initiative Measure No. 1029) are each repealed.

**NEW SECTION. Sec. 10.** If any part of this act is found by an agency of the federal government to be in conflict with federal requirements, including requirements related to the medicare and medicaid programs under the federal social security act, that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements, including requirements related to the medicare and medicaid programs under the federal social security act, that are a necessary condition to the receipt of federal funds by the state."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Substitute Senate Bill No. 6582.

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

#### MOTION

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

On page 1, line 1 of the title, after "assistant;" strike the remainder of the title and insert "amending RCW 18.88A.010, 18.88A.020, 18.88A.030, 18.88A.050, 18.88A.060, 18.88A.085, and 18.88A.140; adding a new section to chapter 18.88A RCW; creating a new section; and repealing RCW 18.88A.115."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Brandland, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6582.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

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

Absent: Senators Hargrove and Jacobsen

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marr, Senators Hargrove and Jacobsen were excused.

#### SECOND READING

SENATE BILL NO. 6402, by Senator Sheldon

Concerning the consolidation of permit exempt wells.

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## MOTION

On motion of Senator Sheldon, Substitute Senate Bill No. 6402 was substituted for Senate Bill No. 6402 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.105 and 1997 c 446 s 1 are each amended to read as follows:

(1)(a) Upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may consolidate that right with a groundwater right exempt from the permit requirement under RCW 90.44.050, without affecting the priority of either of the water rights being consolidated.

(b) Such a consolidation amendment shall be issued only after publication of a notice of the application, a comment period, and a determination made by the department, in lieu of meeting the conditions required for an amendment under RCW 90.44.100, that: ~~((4))~~ (i) The exempt well either taps or is in connection with the same body of public groundwater (as the well to) in which the holder has a water right (of the exempt well is to be consolidated) to withdraw groundwater; ~~((2))~~ (ii) use of the exempt well shall be discontinued upon approval of the consolidation amendment to the permit or certificate; ~~((3))~~ (iii) legally enforceable agreements have been entered to prohibit the construction of another exempt well to serve the area previously served by the exempt well to be discontinued, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land; ~~((4))~~ (iv) the exempt well or wells the use of which is to be discontinued will be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department unless the department authorizes that the well may continue to be used for groundwater monitoring purposes; and ~~((5))~~ (v) other existing rights, including ground and surface water rights and minimum stream flows adopted by rule, shall not be impaired.

(c) The notice shall be published by the applicant in a newspaper of general circulation in the county or counties in which the wells for the rights to be consolidated are located once a week for two consecutive weeks. The applicant shall provide evidence of the publication of the notice to the department. The comment period shall be for thirty days beginning on the date the second notice is published.

(2) The amount of the water to be added to the holder's permit or certificate upon discontinuance of the exempt well shall be the average withdrawal from the well, in gallons per day, for the most recent five-year period preceding the date of the application, except that the amount shall not be less than eight hundred gallons per day for each residential connection or such alternative minimum amount as may be established by the department in consultation with the department of health, and shall not exceed five thousand gallons per day. The department shall presume that an amount identified by the applicant as being the average withdrawal from the well during the most recent five-year period is accurate if the applicant establishes that the amount identified for the use or uses of water from the exempt well is consistent with the average amount of water used for similar use or uses in the general area in which the exempt well is located. The department shall develop, in consultation with

the department of health, a schedule of average household and small-area landscaping water usages in various regions of the state to aid the department and applicants in identifying average amounts used for these purposes. The presumption does not apply if the department finds credible evidence of nonuse of the well during the required period or credible evidence that the use of water from the exempt well or the intensity of the use of the land supported by water from the exempt well is substantially different than such uses in the general area in which the exempt well is located. The department shall also accord a presumption in favor of approval of such consolidation if the requirements of this subsection are met and the discontinuance of the exempt well is consistent with an adopted coordinated water system plan under chapter 70.116 RCW, an adopted comprehensive land use plan under chapter 36.70A RCW, or other comprehensive watershed management plan applicable to the area containing an objective of decreasing the number of existing and newly developed small groundwater withdrawal wells. The department shall provide a priority to reviewing and deciding upon applications subject to this subsection, and shall make its decision within sixty days of the end of the comment period following publication of the notice by the applicant or within sixty days of the date on which compliance with the state environmental policy act, chapter 43.21C RCW, is completed, whichever is later. The applicant and the department may by prior mutual agreement extend the time for making a decision.

(3) Outside the Yakima basin and until December 31, 2015, if an existing, publicly owned and operated group A or group B water system, as those terms are defined in RCW 70.119A.020, that holds a permitted or certificated right to withdraw public groundwaters is unable to serve proposed new development within or adjacent to the approved service area of the water system because it does not have adequate water rights or a sufficient number of connections, and the proposed new development would then seek to obtain water supply under the groundwater permit exemption in RCW 90.44.050, the water system may consolidate with its water right an additional quantity of water authorized to be withdrawn under the permit exemption in RCW 90.44.050 and necessary to serve the proposed new development subject to the following requirements:

(a) The water system shall publish public notice of the intent to consolidate an exempt withdrawal in a newspaper of general circulation in the county or counties in which the water system and the proposed new development are located once a week for two consecutive weeks;

(b) The water system shall provide evidence of publication of the notice to the department, the department of health, and the local government with land use authority over the proposed new development;

(c) Upon the date of receipt by the department of evidence of the notice of publication from the water system, a thirty-day review and comment period shall exist during which the department shall: (i) Review public comments; (ii) determine whether water is legally available for purposes of the consolidation; and (iii) determine whether the proposed consolidation would impair existing rights including instream flows;

(d) The local government with land use authority over the proposed new development shall ensure that the proposed consolidation is consistent with an adopted coordinated water system plan under chapter 70.116 RCW, an adopted comprehensive land use plan under chapter 36.70A RCW, or other comprehensive watershed management plan applicable to the area containing an objective of decreasing the number of existing and newly developed small groundwater withdrawal wells;

(e) The water system must make any necessary amendments to its water system plan and receive approval from the department of health to authorize the addition of new connections, new uses, or

revise or modify the retail service area boundary;

(f) Legally enforceable agreements have been entered to prohibit the construction of an exempt well to serve the area of the proposed new development, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land;

(g) The department shall consult with the department of health and the local government with land use authority over the proposed new development to ensure compliance with this subsection prior to deciding upon applications subject to this subsection;

(h) The department shall provide a priority to reviewing and deciding upon applications subject to this subsection, and shall make its decision within sixty days of the end of the comment period following publication of the notice by the applicant or within sixty days of the date on which compliance with the state environmental policy act, chapter 43.21C RCW, is completed, whichever is later, except that the department may extend the sixty-day time period by forty-five days for good cause or for any period of time at the request of the applicant;

(i) In no case may the quantity of water consolidated with the water system's water rights exceed five thousand gallons per day or the number of new connections exceed fourteen, and the quantity of water withdrawn must also comply with rules adopted by the department and ordinances adopted by the local government with land use authority over the proposed new development;

(j) The water system must separately meter both existing connections and new connections to be added under this section;

(k) Any letter, certificate, or other statement that water is available to serve the proposed new development utilizing the procedure in this subsection to satisfy the water availability requirement of RCW 19.27.097 or 58.17.110 must be provided to the department, the department of health, and the local government with land use authority upon issuance by the water system;

(l) A water system may exercise the authority in this section on multiple occasions, but only until a total of fourteen residential connections or five thousand gallons per day of water has been consolidated with the water rights of the water system; and

(m) After beneficial use has occurred, the water system shall submit a proof of appropriation demonstrating the actual quantity of water beneficially used in order to obtain a consolidation amendment from the department.

(4) Any determination by the department under this section is appealable to the pollution control hearings board under chapter 43.21B RCW."

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

#### MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Sheldon to the striking amendment be adopted. On page 3, line 8, after "(3)" strike "Outside the Yakima basin and until" and insert "Until"

Senators Honeyford and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Sheldon on page 3, line 8 to the striking amendment to Substitute Senate Bill No. 6402.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller as amended to Substitute Senate Bill No. 6402.

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

#### MOTION

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

On page 1, line 1 of the title, after "wells;" strike the remainder of the title and insert "and amending RCW 90.44.105."

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 6402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon 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 Senate Bill No. 6402.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Fairley and Regala

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6764, by Senators Gordon, Pflug, Oemig, McCaslin, Kline and Hargrove

Regarding accrual of interest on judgments founded on tortious conduct.

The measure was read the second time.

#### WITHDRAWAL OF AMENDMENTS

On motion of Senator Carrell, the following amendments by Senator Carrell: amendment on page 1, line 16; amendment on page 1, line 16; amendment on page 1, line 14; amendment on page 1, line 16; and amendment on page 1, line 14 were withdrawn.

#### MOTION

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

On page 1, line 16, after "a" insert "nonprofit or charitable organization employing fewer than fifty people, a business employing fewer than fifty people, or a"

Renumber the sections consecutively and correct any internal references accordingly.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell and others on page 1, line 16 to Senate Bill No. 6764.

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

MOTION

On motion of Senator Gordon, the rules were suspended, Engrossed Senate Bill No. 6764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gordon, Hargrove, Pflug and Jacobsen spoke in favor of passage of the bill.

Senators Carrell, Kastama and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6764.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6764 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kastama, King, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator McCaslin

ENGROSSED SENATE BILL NO. 6764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5912, by Senators Oemig, McDermott, Kline, Kastama, Pridemore, Kilmer, Jarrett, Kohl-Welles and Haugen

Providing public funding for supreme court campaigns. Revised for 2nd Substitute: Concerning public funding for supreme court campaigns.

MOTION

On motion of Senator Oemig, Second Substitute Senate Bill No. 5912 was substituted for Senate Bill No. 5912 and the second

substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. (1) The intent of this act is to protect the fairness of elections for the highest court in Washington state - the supreme court. Doing so will foster the public's trust in the integrity and independence of the court in the face of increasingly large sums of money raised and spent by special interest groups. That flood of money threatens the impartiality, independence, and credibility of our judiciary. To maintain public confidence in the judiciary, we must prevent not only corruption, but the appearance of corruption, for the judiciary is the one branch of government that must be uniquely impartial, independent, and unbiased in order to best serve the residents of Washington. It is destructive for our democracy to allow the court to become influenced by large amounts of money, and for our citizens to think that judicial decisions are influenced by those large amounts of money. This act is necessary to ensure that our highest courts continue to be unbiased and insulated from special interests.

(2) Therefore, this act, the judicial election reform act, introduces a voluntary pilot project to provide an alternative source of financing candidates for the Washington supreme court who demonstrate public support and voluntarily accept strict fundraising and spending limits.

(3) The provisions of this act must be broadly interpreted to carry out the purpose and intent of this act.

NEW SECTION. Sec. 2. DEFINITIONS. In addition to the definitions in RCW 42.17.020, the definitions in this section apply throughout sections 1 through 21 of this act unless the context clearly requires otherwise.

(1) "Contested election" means an election in which there are two or more candidates running for the same office whose names will appear on the ballot.

(2) "Nonparticipating candidate" means a candidate for supreme court justice who is on the ballot but has chosen not to apply for public funds from the judicial election reform act fund or a candidate who is on the ballot and has applied but has not been certified to receive public funds from the judicial election reform act fund.

(3) "Publicly financed candidate" means a candidate who becomes certified to receive public campaign funds under section 6 of this act.

(4) "Qualifying contribution" means a contribution in an amount of at least ten dollars, but no more than twenty-five percent of the maximum contribution limit allowed under RCW 42.17.645, made by a registered voter of the state, and is received during the qualifying period.

(5) "Qualifying period" means the period beginning February 1st of the election year and ending one week after the close of the regular filing period for the office.

(6) "Uncontested election" means an election in which a candidate running for a specified office has no opponent on the ballot.

NEW SECTION. Sec. 3. JUDICIAL ELECTION REFORM ACT FUND. (1) The judicial election reform act fund is created in the custody of the state treasurer. All receipts under sections 4 through 17 of this act required to be deposited into the fund must be deposited into the fund. Expenditures from the fund may be used only for the purposes of the judicial election reform act,

sections 1 through 21 of this act. Only the commission may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) When the funds in the account have been fully distributed, the commission must stop authorizing public fund disbursements under sections 12 and 13 of this act. No candidate may receive any disbursement of funds beyond those authorized under sections 12 and 13 of this act, nor may any candidate receive any further disbursements of funds under sections 12 and 13 of this act when the appropriation has been exhausted. The commission may adopt rules to address distribution of remaining funds in the account for pending requests.

(3) The public disclosure commission and the administrative office of the courts may each recover costs for implementing sections 1 through 21 of this act, up to a combined total of ten percent of the receipts collected under sections 4 through 17 of this act.

**NEW SECTION. Sec. 4. VOLUNTARY LIMITATIONS ON CONTRIBUTIONS FOR JUDICIAL CAMPAIGNS.** A publicly financed candidate and a publicly financed candidate's authorized committee shall:

(1) Only accept contributions from individuals, and only as qualifying contributions under section 5 of this act;

(2) During the qualifying period and solely for the purpose of raising qualifying contributions, accept no more than two times the contribution limit under RCW 42.17.645 of the candidate's personal funds;

(3) Collect at least five hundred qualifying contributions that, in the aggregate total at least twenty-five times the filing fee for the office of supreme court justice in accordance with section 5 of this act;

(4) File the required reports regarding qualifying and expenditures to the commission;

(5) Expend only self-contributed funds or funds received from the judicial election reform act fund after being certified as a publicly funded candidate;

(6) Sign a joint statement with the treasurer of the publicly financed candidate's authorized committee, under oath, promising to comply with the provisions of this chapter; and

(7) Comply with the provisions of this chapter to the extent required for publicly funded candidates as prescribed by the commission.

**NEW SECTION. Sec. 5. APPLICATION FOR CERTIFICATION.** A candidate who wishes to receive public campaign funds must:

(1) File an application with the commission declaring his or her intent to participate in the program as a candidate for the supreme court. The application must be filed before or during the qualifying period. In the application, the candidate must affirm that only one political committee, identified with its treasurer, must handle all contributions, expenditures, and obligations for the publicly financed candidate and that the candidate will comply with the provisions set forth in sections 1 through 21 of this act and rules adopted by the commission; and

(2) Obtain at least five hundred qualifying contributions not including self-contributed funds that, in the aggregate total at least twenty-five times the filing fee for the office by the end of the qualifying period. No payment, gift, or anything of value may be given in exchange for a qualifying contribution. A qualifying contribution must be:

(a) Made by a registered voter of the state;

(b) Made by a person who is not given anything of value in exchange for the qualifying contribution;

(c) In an amount of at least ten dollars but not more than twenty-five percent of the contribution limit allowed under RCW 42.17.645;

(d) Received during the qualifying period by the candidate or on behalf of the candidate; and

(e) Made by check, money order, or credit card.

**NEW SECTION. Sec. 6. CERTIFICATION AS A PUBLICLY FINANCED CANDIDATE.** (1) Upon receipt of an application, the commission must determine whether or not the candidate has complied with the following requirements:

(a) Signed and filed an application to participate;

(b) Submitted a report itemizing the qualifying contributions received. The report must include the name, home address, telephone number, and county of residence for each person who made a contribution and the date the contribution was received, and any other information required by the commission;

(c) Submitted a check or money order equal to the total qualifying contributions, less money expended for the purpose of raising qualifying contributions received by the candidate in accordance with section 7 of this act, made out to the judicial election reform act fund; and

(d) Submitted affidavits signed by persons collecting qualifying contributions stating that, to the best of his or her knowledge, the contribution was made by a registered voter of the state.

(2) Once the requirements in subsection (1) of this section are met, the commission must verify that pursuant to section 5 of this act, a sufficient number of qualifying contributions were made by registered voters of the state at the time the contribution was made.

(3) The commission must determine if a candidate meets the requirements for public financing within seven calendar days of the filing of an application. If the requirements of subsection (2) of this section are met, the commission must certify the candidate for public financing. If the commission denies certification, it must provide written reasons why certification is denied. Any candidate who is denied certification may reapply one time by submitting the required information or the number of qualifying contributions needed to complete the certification within fourteen calendar days of the date of the commission's decision.

(4) A candidate who is certified as a publicly financed candidate may use that designation in campaign materials and will be so designated in the state voters' pamphlet.

**NEW SECTION. Sec. 7. QUALIFYING CONTRIBUTIONS.** A publicly financed candidate may expend money received as qualifying contributions, as well as the candidate's personal funds, to pay for expenses related to raising qualifying contributions. The amount of qualifying contributions used for this purpose may not exceed twenty-five percent of the minimum dollar amount of qualifying contributions required under section 5 of this act. Expenditures made for the purpose of this section must be reported as required under RCW 42.17.080 and 42.17.090 or as determined by the commission by rule.

**NEW SECTION. Sec. 8. CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S AUTHORIZED COMMITTEE.** A publicly financed candidate and the publicly financed candidate's authorized committee must file the reports required pursuant to this chapter as determined by the commission.

**NEW SECTION. Sec. 9. USES OF PUBLIC FUNDS.** (1) Money in the account of a publicly financed candidate's authorized committee may only be used for purposes directly related to the candidate's campaign.

(2) Money in the account of a publicly financed candidate's authorized committee may not be used to pay fines or civil penalties, for costs or legal fees related to representation before the commission, or for defense of an enforcement action under this chapter. Nothing in this chapter prevents a publicly financed candidate from having a legal defense fund.

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**NEW SECTION. Sec. 10. RETURN OF FUNDS.** (1) If a candidate attempts to qualify for public funding but does not meet the threshold for qualification, withdraws from the program before certification, is denied certification under section 6 of this act, or revokes participation under section 11 of this act, the candidate must pay to the fund the total dollar amount of qualifying contributions received during the qualifying period, less money expended for the purpose of raising qualifying contributions and the candidate's own self-contributed funds in accordance with section 7 of this act.

(2) Publicly financed candidates must return all unused funds, less the candidate's own self-contributed funds, to the judicial election reform act fund within thirty calendar days of the date they are no longer a candidate.

**NEW SECTION. Sec. 11. REVOCATION.** (1) A publicly financed candidate may revoke in writing to the commission a decision to participate in the public financing program no later than June 30th in the year of the election. After a timely revocation, that candidate may accept and expend money outside the provisions of this act. Within thirty days after revocation, a candidate must return to the commission all money received from the judicial election reform act fund.

(2) A publicly financed candidate who revokes a decision to participate in the public financing program after the time period established in subsection (1) of this section must return all money received from the judicial election reform act fund and pay a fine of one thousand dollars per day for each day beyond the allowed revocation period and the day the candidate revokes.

**NEW SECTION. Sec. 12. CAMPAIGN FUNDING.** (1)(a) Within five business days after a publicly financed candidate's name is approved to appear on the primary ballot by the appropriate elections officer, the commission must authorize the state treasurer to distribute to the account of the authorized committee of each certified publicly financed candidate an amount set, by rule, based on the number of participating candidates filing for office. No candidate may receive an amount greater than one hundred times the filing fee as established in RCW 29A.24.091 for the primary.

(b) Within five business days after a publicly financed candidate's name is approved to appear on the general election ballot, the commission must authorize the state treasurer to distribute funds to the account of the authorized committee of each certified publicly financed candidate in an amount equal to one hundred twenty-five times the filing fee for the office as established in RCW 29A.24.091.

(c) Participating candidates in uncontested elections must receive four times the filing fee as established in RCW 29A.24.091, plus the net amount of qualifying contributions previously remitted to the commission pursuant to section 6(1)(c) of this act.

(2) A publicly financed candidate must return within ten calendar days to the judicial election reform act fund any amount distributed, less the candidate's own self-contributed funds, for an election that is unspent and uncommitted as of the date the candidate ceases to be a candidate or as of the date of the election, whichever occurs first.

(3) The commission must authorize and the state treasurer must distribute funds to publicly financed candidates in a manner that ensures accountability and safeguards the integrity of the fund.

**NEW SECTION. Sec. 13. RESCUE FUNDS.** (1) When a report is filed under this chapter or other evidence comes to the attention of the commission indicating that a nonparticipating candidate has raised more money than his or her publicly financed opponent has received in public funding, the commission must notify the publicly financed candidate of his or her eligibility for rescue funds.

(a) A publicly financed candidate may receive rescue funds equal to the difference between the total amount received by the

nonparticipating candidate, less the nonparticipating candidate's own self-contributed funds, for each election and the amount received by the publicly financed candidate for each election. If there are multiple nonparticipating candidates who have raised more money than the publicly financed candidate has received, the publicly financed candidate is eligible for rescue funds based on the difference between the total amount raised by the nonparticipating candidate who has received the most money, less that nonparticipating candidate's own self-contributed funds, and the amount received by the publicly financed candidate.

(b) The total amount a publicly financed candidate may receive in rescue funds is five hundred times the filing fee for the office. If rescue funds are triggered under this section, up to seventy-five percent of the funds are available to a publicly financed candidate for the primary election. If a publicly financed candidate is opposed by only one candidate, all of the authorized rescue funds may be used for the primary. A publicly financed candidate may determine when to access available rescue funds.

(2)(a) Independent expenditures and electioneering communications opposing a publicly financed candidate or supporting one or more nonparticipating opponents of a publicly financed candidate must be considered as contributions to each opposing candidate and the commission must authorize rescue funds pursuant to subsection (1) of this section to the publicly financed candidate.

(b) Independent expenditures and electioneering communications supporting a publicly financed candidate must be considered, for every opposing publicly financed candidate, as though the independent expenditures or electioneering communications were a contribution to a nonparticipating opponent and the commission must authorize rescue funds pursuant to subsection (1) of this section to each opposing publicly financed candidate.

(c) For purposes of this section, expenditures made by a nonparticipating candidate and independent expenditures and electioneering communications are deemed to have been made the day the independent expenditure or electioneering communication is contracted for, agreed to, or otherwise obligated.

(3) For purposes of this section, a candidate's own self-contributed funds do not trigger rescue funds and may not be considered in the calculation for rescue funds.

(4) If adequate funding is not available to fully equalize funding for publicly financed candidates under this section, the commission may authorize a lesser amount.

**NEW SECTION. Sec. 14. REPORTS.** (1)(a) Any nonparticipating candidate who has a publicly financed opponent must report total contributions received, including self-contributed funds, to the commission electronically within twenty-four hours after the total amount of contributions received exceeds eighty percent of the amount authorized for publicly financed candidates under section 12 of this act, and must make subsequent reports as required by the commission to monitor contributions.

(b) Any person making independent expenditures or electioneering communications in excess of three thousand dollars in support of or opposition to a publicly financed candidate, or in support of a candidate opposing a publicly financed candidate, must file a report with the commission within twenty-four hours of the date the independent expenditure or electioneering communication is contracted for, agreed to, or otherwise obligated. The report must include the following information:

- (i) The name and address of the sponsor;
- (ii) The source of funds for the independent expenditure or electioneering communication;
- (iii) Any other source information required by the commission by rule;

(iv) The name and address of the person to whom the independent expenditure or electioneering communication expenditure was made;

(v) A detailed description of the expenditure;

(vi) The date the expenditure was contracted for, agreed to, or otherwise obligated;

(vii) The amount of the expenditure; and

(viii) Any other information the commission may require.

(c) The commission may adopt rules implementing the provisions of this section, including rules that determine (i) whether filing under this section satisfies the filing requirements under other provisions of this chapter, and (ii) when the reporting requirements of this section are no longer warranted because a publicly financed candidate has received the maximum amount of rescue funds permitted by this section.

(2) Publicly financed candidates must report in accordance with rules adopted by the commission. A publicly financed candidate who revokes his or her participation in the program, who ceases to be a candidate, or who loses an election must file a final report with the commission and return any unspent disbursements received from the judicial election reform act fund, less self-contributed funds. In developing reporting requirements for publicly financed candidates, the commission must use existing campaign reporting procedures when determined practicable by the commission.

(3) Any person who fails to report a contribution or expenditure as required by this section is subject to a civil penalty equal to the contribution or expenditure not reported.

(4) The commission must ensure prompt public access to the reports received under this section.

**NEW SECTION. Sec. 15. DISQUALIFICATION FROM PROGRAM.** If the commission finds that a publicly financed candidate or the publicly financed candidate's committee is accepting or expending money outside the provisions of section 4 of this act, the candidate is disqualified from the program, is subject to a civil penalty under RCW 42.17.390, and must return all money received from the judicial election reform act fund, less self-contributed funds.

**NEW SECTION. Sec. 16. IMPLEMENTATION AND ENFORCEMENT DUTIES.** In implementing the provisions of the judicial election reform act, the commission shall:

(1) Prescribe forms for reports, statements, notices, and other documents as required by sections 1 through 21 of this act;

(2) Prepare and publish instructions to facilitate compliance with sections 1 through 21 of this act and explaining the duties of persons and committees under sections 1 through 21 of this act;

(3) Adopt rules to carry out the policies of sections 1 through 21 of this act. These rules are not subject to the time restrictions of RCW 42.17.370(1); and

(4) Enforce the provisions of sections 1 through 21 of this act, ensure that money transferred from the judicial election reform act fund into the account of an authorized committee of a publicly financed candidate is spent as specified, and monitor reports filed and financial records of candidates as needed to ensure that rescue funds are promptly authorized to opposing qualified candidates under section 13 of this act.

**NEW SECTION. Sec. 17. EXPEDITED ADMINISTRATIVE REVIEW.** (1) The commission shall develop an expedited administrative review process that is not subject to the adjudicative proceedings of chapter 34.05 RCW. However, commission findings are subject to judicial review under RCW 34.05.570(4).

(2) The following individuals may seek expedited administrative review of commission decisions:

(a) Candidates and potential candidates whom the commission finds ineligible to participate in the program;

(b) Publicly financed candidates who are denied rescue funds; and

(c) Opponents of a publicly financed candidate who disagree with a decision by the commission to grant rescue funds to a publicly financed candidate.

(3) In an expedited administrative review process, the commission shall issue a final decision no more than five calendar days after review is requested.

(4) The commission may adopt rules to implement this section.

(5) Any petition for judicial review of a final decision in an expedited administrative review must be filed within five calendar days of the final decision. In any judicial review, the court may not grant a stay or temporary relief unless it finds the conditions specified in RCW 34.05.550(3) (a), (b), and (c).

**NEW SECTION. Sec. 18.** The commission may not offer the program in sections 1 through 17 of this act until one million dollars is in the judicial election reform act fund.

**NEW SECTION. Sec. 19.** For the purpose of calculations required by this act, personal funds contributed by a candidate to his or her own campaign must be treated as having been expended prior to the expenditure of any other funds.

**NEW SECTION. Sec. 20.** The commission may solicit and accept gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. Moneys received under this section must be deposited into the judicial election reform act fund established in section 3 of this act and may only be used for the purposes of sections 1 through 18 of this act.

**NEW SECTION. Sec. 21.** The public disclosure commission must report to the governor and to the appropriate committees of the legislature in January of even-numbered years on the effectiveness of the judicial election reform act once the program is offered.

**Sec. 22.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read as follows:

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying(~~(; —PROVIDED, HOWEVER, That))~~ However, imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates RCW 42.17.640 and 42.17.645 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

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(5) Any person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

(6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(7)(a) The civil penalty for a violation of a contribution or expenditure limit established under section 4 of this act by or on behalf of a publicly financed candidate is ten times the amount by which the expenditures or contributions exceed the applicable limit. If the violation occurs within five days of an election, the civil penalty is twenty times the amount by which the expenditures or contributions exceed the applicable limit. A publicly financed candidate found to have knowingly committed a violation of the expenditure or contribution limits under section 4 of this act must pay the applicable fines, surrender all money in the candidate's authorized committee account, less self-contributed funds, to the judicial election reform act fund, and will cease to be a publicly financed candidate.

(b) In addition to any other penalties imposed by law, the civil penalty for a violation by or on behalf of a publicly financed candidate of a reporting requirement imposed by this chapter is one hundred dollars per day. A civil penalty imposed under this subsection (7)(b) may not exceed twice the amount of expenditures or contributions not reported in a timely manner. The candidate and the candidate's authorized committee are jointly and severally responsible for a civil penalty imposed under this subsection.

(c) The civil penalty for a violation of the revocation requirement imposed by section 11 of this act is one thousand dollars per day for each day past the period allowed for a timely revocation.

(d) The civil penalty for a violation of the reporting provisions in section 14 of this act is equal to the amount not reported, less self-contributed funds.

(e) All civil penalties collected under this subsection must be deposited into the judicial election reform act fund.

**Sec. 23.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are each reenacted and amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of twelve dollars.

(3) For filing a supplemental proceeding a fee of twenty dollars.

(4) For demanding a jury in a civil case a fee of one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) At the option of the district court:

(a) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar;

(b) For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed;

(c) For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page;

(d) When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page;

(e) For copies made on a compact disc, an additional fee of twenty dollars for each compact disc.

(8) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(9) At the option of the district court, for clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour.

(10) For duplication of part or all of the electronic recording of a proceeding ten dollars per tape or other electronic storage medium.

(11) For filing any abstract of judgment or transcript of judgment from a municipal court or municipal department of a district court organized under the laws of this state a fee of forty-three dollars.

(12) At the option of the district court, a service fee of up to three dollars for the first page and one dollar for each additional page for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(13) Until July 1, 2011, in addition to the fees required by subsection (1) of this section, clerks of the district courts shall collect a surcharge of twenty dollars on all fees required by subsection (1) of this section, which shall be remitted to the state treasurer for deposit in the judicial stabilization trust account. This surcharge is not subject to the division and remittance requirements of RCW 3.62.020.

(14) Effective July 1, 2010, in addition to the fees required by subsection (1) of this section, clerks of the district courts shall collect a judicial integrity surcharge of three dollars on all fees required by subsection (1) of this section, which must be remitted to the state treasurer for deposit in the judicial election reform act fund. This surcharge is not subject to the division and remittance requirements of RCW 3.62.020.

The fees or charges imposed under this section (~~shall be~~) are allowed as court costs whenever a judgment for costs is awarded.

**NEW SECTION. Sec. 24.** A new section is added to chapter 36.18 RCW to read as follows:

Effective July 1, 2010, a three-dollar judicial integrity surcharge must be added to each of the fees in RCW 36.18.016 that exceeds one hundred dollars, and to each of the fees in RCW 36.18.020. All judicial integrity surcharges must be remitted to the state treasurer for deposit in the judicial election reform act fund. Surcharges collected under this section are not subject to the division and remittance requirements of RCW 36.18.025 or 27.24.070 and no surcharge under this section may be applied to any fee which individually, and before applying other surcharges, is less than twenty dollars.

**NEW SECTION. Sec. 25.** Sections 1 through 21 of this act may be known and cited as the judicial election reform act.

**NEW SECTION. Sec. 26.** Sections 1 through 21 of this act are each added to chapter 42.17 RCW.

**NEW SECTION. Sec. 27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Oemig and others to Second Substitute Senate Bill No. 5912.

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

#### MOTION

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

On page 1, line 1 of the title, after "campaigns;" strike the remainder of the title and insert "amending RCW 42.17.390; reenacting and amending RCW 3.62.060; adding new sections to chapter 42.17 RCW; adding a new section to chapter 36.18 RCW; creating new sections; and prescribing penalties."

#### MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

Senators Delvin and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5912.

#### POINT OF ORDER

Senator Benton: "Thank you Mr. President. In Engrossed Second Substitute Senate Bill No. 5912 there is a three dollar fee that is imposed and I'd like to inquire under the provisions of Initiative 960 whether or not that fee is in fact a tax or a fee because the money is being spent on something other than is directly related? I just believe there's not nexus that we need for a fee as defined under Initiative 960. I do believe that this is a tax, not a fee, and therefore should require a two-thirds vote of this chamber to pass and ask that you rule thereon."

Senator Eide spoke against the point of order.

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute Senate Bill No. 5912 was deferred and the bill held its place on the third reading calendar.

#### SECOND READING

SENATE BILL NO. 6510, by Senators Kilmer and Sheldon

Extending state route number 166.

#### MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6510 was substituted for Senate Bill No. 6510 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6510.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6510 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6416, by Senators Roach, Hargrove and Stevens

Concerning relatives in dependency proceedings.

#### MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6416 was substituted for Senate Bill No. 6416 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6416.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6416 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marr, Senator Regala was excused.

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SECOND READING

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SENATE BILL NO. 6392, by Senators Tom, Swecker, Oemig, Holmquist, Jacobsen, Haugen and Marr

Clarifying the use of revenue generated from tolling the state route number 520 corridor.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6392 was substituted for Senate Bill No. 6392 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that during the 2009 legislative session tolling was authorized on the state route number 520 corridor. As such, it is the intent of the legislature that tolling commences in the spring of 2011 on the existing state route number 520 bridge.

The legislature further recognizes that tolling of the state route number 520 corridor is integrally related to the issuance of a final project design resulting from the supplemental draft environmental impact statement for the state route number 520 bridge replacement and HOV program released in January 2010. It is the intent of the legislature that the department of transportation work with affected neighborhoods and local governments, including the mayor of the city of Seattle and the Seattle city council, to refine the preferred alternative design in the supplemental draft environmental impact statement so that the final design of the state route number 520 bridge replacement and HOV program will, to the extent required by state and federal law, include reasonable assurance that project impacts will be mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality. Within the cost constraints identified in section 1, chapter 472, Laws of 2009, and consistent with an opening date to vehicular traffic of 2014, it is further the intent of the legislature that any final design of the state route number 520 bridge replacement and HOV program accommodate effective connections for transit, including high capacity transit, to the light rail station at the University of Washington, consistent with the requirements of RCW 47.01.408, and ensure the effective, efficient, and feasible coordination of bus services and light rail services throughout the state route number 520 corridor, consistent with the requirements of RCW 47.01.410. The legislature further intends that any cost savings applicable to the state route number 520 bridge replacement and HOV program stay within the program.

Sec. 2. RCW 47.56.870 and 2009 c 472 s 2 are each amended to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll

rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the ~~((replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4)(a) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520,) must be used only to fund the ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program; however, two hundred million dollars of bond proceeds, in excess of the proceeds necessary to complete the floating bridge segment and necessary landings, must be used only to fund the state route number 520, Interstate 5 to Medina bridge replacement and HOV project segment of the program, as identified in applicable environmental impact statements.

(b) The program must include the following elements within the cost constraints identified in section 1, chapter 472, Laws of 2009, consistent with the legislature's intent that cost savings applicable to the program stay within the program:

(i) A project design, consistent with RCW 47.01.408, that includes high occupancy vehicle lanes with a minimum carpool occupancy requirement of three-plus persons on state route number 520;

(ii) High occupancy vehicle lane performance standards for the state route number 520 corridor established by the department. The department shall report to the transportation committees of the legislature when average transit speeds in the two lanes that are for high occupancy vehicle travel fall below forty-five miles per hour at least ninety percent of the time during peak hours;

(iii) A work group convened by the department to include sound transit, King county metro, the Seattle department of transportation, and the University of Washington to study and make recommendations of alternative connections for transit, including high capacity transit, to the light rail station at the University of Washington. The recommendations must be alternatives to the transit connections identified in the supplemental draft environmental impact statement for the state route number 520 bridge replacement and HOV program released in January 2010, and must meet the requirements under RCW 47.01.408, including accommodating effective connections for transit. For the purposes of this subsection, "effective connections for transit" means a connection that connects transit stops, including high capacity transit stops, that serve the state route number 520/Montlake interchange vicinity to the light rail station at the University of Washington, with a connection distance of less than one thousand two hundred feet between the stops and the light rail station. The department shall submit the recommendations by July 5, 2010, to the governor and the transportation committees of the legislature;

(iv) A work group convened by the department to include sound transit and King county metro to study and make recommendations

regarding options for financing high capacity transit through the state route number 520 corridor. The department shall submit the recommendations by January 1, 2011, to the governor and the transportation committees of the legislature:

(v) A plan to address mitigation as a result of the state route number 520 bridge replacement and HOV program at the Washington park arboretum. As part of its process, the department shall consult with the governing board of the Washington park arboretum, the Seattle city council and mayor, and the University of Washington to identify all mitigation required by state and federal law resulting from the state route number 520 bridge replacement and HOV program's impact on the arboretum, and to develop a project mitigation plan to address these impacts. The department shall submit the mitigation plan by December 31, 2010, to the governor and the transportation committees of the legislature. Wetland mitigation required by state and federal law as a result of the state route number 520 bridge replacement and HOV program's impacts on the arboretum must, to the greatest extent practicable, include on-site wetland mitigation at the Washington park arboretum, and must enhance the Washington park arboretum. This subsection (4)(b)(v) does not preclude any other mitigation planned for the Washington park arboretum as a result of the state route number 520 bridge replacement and HOV program;

(vi) A work group convened by the department to include the mayor of the city of Seattle, the Seattle city council, the Seattle department of transportation, and other persons or organizations as designated by the Seattle city council and mayor to study and make recommendations regarding design refinements to the preferred alternative selected by the department in the supplemental draft environmental impact statement process for the state route number 520 bridge replacement and HOV program. To accommodate a timely progression of the state route number 520 bridge replacement and HOV program, the design refinements recommended by the work group must be consistent with the current environmental documents prepared by the department for the supplemental draft environmental impact statement. The department shall submit the recommendations to the legislature and governor by July 5, 2010, and the recommendations must inform the final environmental impact statement prepared by the department; and

(vii) An account, created in section 4 of this act, into which civil penalties generated from the nonpayment of tolls on the state route number 520 corridor are deposited to be used to fund any project within the program, including mitigation. However, this subsection (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this subsection (4)(b)(vii) is null and void.

(5) The department may carry out the ~~((construction and))~~ improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

**Sec. 3.** RCW 47.56.875 and 2009 c 472 s 4 are each amended to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ the state route number 520 bridge replacement and HOV program, including any capitalized interest;

(b) Except as provided in RCW 47.56.870(4)(b)(vii), all of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the ~~((purpose of building the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program; and

(e) All damages, liquidated or otherwise, collected under any contract involving the ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the ~~((replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the ~~((replacement state route number 520 floating bridge project and necessary landings))~~ state route number 520 bridge replacement and HOV program in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

**NEW SECTION. Sec. 4.** A new section is added to chapter 47.56 RCW to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation.

(2) This section is contingent on the enactment by June 30, 2010, of either chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this section is null and void."

Senators Haugen and Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Substitute Senate Bill No. 6392.

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

#### MOTION

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

On page 1, line 2 of the title, after "corridor;" strike the remainder of the title and insert "amending RCW 47.56.870 and 47.56.875; adding a new section to chapter 47.56 RCW; and creating a new section."

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MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6392. Senator Haugen spoke in favor of passage of the bill. Senator Murray spoke on final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Kohl-Welles, McDermott and Murray  
Excused: Senators McCaslin and Regala

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6499, by Senators Murray and Haugen

Concerning the administration, collection, use, and enforcement of tolls.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6499 was substituted for Senate Bill No. 6499 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senator Murray be adopted:

On page 3, beginning on line 31, after "videotape," strike "or other recorded images prepared under this section" and insert "other recorded images, or other records identifying a specific instance of travel prepared under this chapter"

On page 3, line 37, strike "or other recorded image" and insert "other recorded image, or other record identifying a specific instance of travel"

On page 4, line 8, strike "calculation" and insert "collection"

On page 5, beginning on line 26, after "videotape," strike "or other recorded images prepared under this section" and insert "other recorded images, or other records identifying a specific instance of travel prepared under this chapter"

On page 5, line 32, strike "or other recorded image" and insert "other recorded image, or other record identifying a specific instance of travel"

On page 6, line 2, strike "calculation" and insert "collection"

On page 9, line 29, after "videotape," strike "or" and insert "((~~or~~))"

On page 9, line 30, after "images" insert ", or other records identifying a specific instance of travel"

On page 9, line 30, after "this" strike "((~~chapter~~)) section" and insert "chapter"

On page 9, line 36, after "videotape," strike "or" and insert "((~~or~~))"

On page 9, line 37, after "image" insert ", or other record identifying a specific instance of travel"

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 3, line 31 to Substitute Senate Bill No. 6499.

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

MOTION

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

On page 11, line 4, after "(9)", strike "All" and insert "Except as provided otherwise in this subsection, all"

On page 11, line 11, after "2007," insert the following:

"Additionally, all civil penalties, resulting from nonpayment of tolls on the state route number 520 corridor, shall be deposited into the state route number 520 civil penalties account created under section 4 of Engrossed Substitute Senate Bill No. 6392, but only if Engrossed Substitute Senate Bill No. 6392 is enacted by June 30, 2010."

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 11, line 4 to Substitute Senate Bill No. 6499.

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

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Eide was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton,

Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Murray

Excused: Senators Eide, McCaslin and Regala

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6745, by Senator Sheldon

Concerning veterinary technician licenses.

The measure was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6745.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6745 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SENATE BILL NO. 6745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6790, by Senator Kastama

Providing regional economic development services. Revised for 2nd Substitute: Concerning cluster and innovation partnership zone grants.

#### MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 6790 was substituted for Senate Bill No. 6790 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 6790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6790.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6790 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SECOND SUBSTITUTE SENATE BILL NO. 6790, 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.

Senator Franklin assumed the chair.

#### SECOND READING

SENATE BILL NO. 6831, by Senator Parlette

Concerning estates and trusts.

#### MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6831 was substituted for Senate Bill No. 6831 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Gordon spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6831.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6831 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6831, 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

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SENATE BILL NO. 5908, by Senators Kohl-Welles, Roach and Keiser

Providing interest arbitration for employees of juvenile court services administered under RCW 13.20.060.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5908 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.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5908.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5908 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SENATE BILL NO. 5908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6275, by Senator Jacobsen

Regarding harbor lines.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of the passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6275.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6275 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon,

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

SENATE BILL NO. 6275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6277, by Senators Zarelli and Regala

Revising the order of vesting for the right to control disposition of human remains.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, Substitute Senate Bill No. 6277 was not substituted for Senate Bill No. 6277 and the substitute bill was not adopted.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

Senator Hargrove spoke on final passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6277.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6277 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Kauffman

Excused: Senator McCaslin

SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6267, by Senators Rockefeller and Honeyford

Regarding water right processing improvements.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 6267 was substituted for Senate Bill No. 6267 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Water is an essential element for economic prosperity and it generates new, family-wage jobs and state revenues. It is the intent of the legislature to provide both the water right applicants and the department of ecology with the necessary tools to expedite the processing of water right applications depending on the needs of the project and agency workload.

**NEW SECTION. Sec. 2.** Sufficient resources to support the department of ecology's water resource program are essential for effective and sustainable water management that provides certainty to processed applications. The department of ecology shall review current water resource functions and report to the legislature and the governor by September 1, 2010, on improvements to make the program more self-sustaining and efficient.

**Sec. 3.** RCW 90.03.265 and 2003 c 70 s 6 are each amended to read as follows:

(1)(a) Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department((s)) may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may ((only)) be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed.

(b) The requirement to pay for the cost of other applications under (a) of this subsection does not apply to an application for a new appropriation that would not diminish the water available to earlier pending applicants for new appropriations from the same source of supply.

(c) The requirement to pay for the cost of processing other applications under (a) of this subsection does not apply to an application for a change, transfer, or other amendment that would not diminish the water available to earlier pending applicants for changes or transfers from the same source of supply.

(d) In determining whether an application would not diminish the water available to earlier pending applicants, the department shall consider any water impoundment or other water resource management mitigation technique proposed by the applicant under RCW 90.03.255 or 90.44.055.

(e) The department may enter into cost-reimbursement agreements provided resources are available and shall use the process established under RCW 43.21A.690 for entering into cost-reimbursement agreements. The department's share of work related to a cost-reimbursement application, such as final certificate approval, must be prioritized within the framework of other water right processing needs and as determined by agency rule.

(f) Each individual applicant is responsible for his or her own appeal costs that may result from a water right decision made by the department. In the event that the department's approval of an application is appealed under chapter 43.21B RCW by a third party, the applicant for the water right in question must reimburse the department for the cost of defending the decision before the pollution control hearings board unless otherwise agreed to by the applicant and the department. If an applicant appeals either an

approval or a denial by the department, the applicant is responsible only for its own appeal costs.

(2) In pursuing a cost-reimbursement project, the department must determine the source of water proposed to be diverted or withdrawn from, including the boundaries of the area that delimits the source. The department must determine if any other water right permit applications are pending from the same source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department finds they are hydraulically connected. The department shall consider technical information submitted by the applicant in making its determinations under this subsection. The department may recover from a cost-reimbursement applicant its own costs in making the same source determination under this subsection.

(3) Upon request of the applicant seeking cost-reimbursement processing, the department may elect to initiate a coordinated cost-reimbursement process. To initiate this process, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be made by way of mail and by publication in a newspaper of general circulation in the area where affected properties are located. The notice must:

(a) Inform those applicants that cost-reimbursement processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed;

(d) Provide an estimate of how long the cost-reimbursement process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the cost-reimbursement process.

(4) The applicant initiating cost-reimbursement request must pay for the cost of the determination under subsections (2) and (3) of this section and other costs necessary for the initial phase of cost-reimbursement processing. The cost for each applicant for conducting processing under a coordinated cost-reimbursement agreement must be based on the proportionate quantity of water requested by each applicant.

(5) For any cost-reimbursement process under this section, the applicant may select the consultant from the department's prequalified consultant's list or may be assigned a prequalified consultant by the department. The applicant may also use its own consultant at the discretion of the department if the consultant meets the requirements in subsection (6) of this section.

(6)(a) If the applicant proposes to use its own consultant for one or more of the work products or reports associated with the work generally performed under a cost-reimbursement agreement, and the department agrees to such use, all investigations, work products, technical reports and analysis, findings, and documentation undertaken by the consultant relating to the application, including preparation of a draft report of examination, is subject to the review, comment, modification, refusal, or approval of the department before being used in the department's decision-making process. At any point during the cost-reimbursement process, the department may request or accept technical information, data, and analysis from the applicant or the applicant's consultant to support the cost-reimbursement process or the department's decision on the application.

(b) The department is authorized to adopt rules or guidance providing: (i) Minimum qualifications and standards for the submission of such technical information; and (ii) technical

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information, scientific analysis, work product documentation, and report presentation standards that an applicant's consultant must meet.

(7) The department must provide notice to potential consultants of the opportunity to be considered for inclusion on the list of cost-reimbursement consultants to whom work assignments will be made. The department must competitively select an appropriate number of consultants who are qualified by training and experience to investigate and make recommendations on the disposition of water right applications. The consultant list must be renewed at least every six years, though the department may add qualified cost-reimbursement consultants to the list at any time. The department must enter a master contract with each consultant selected and thereafter make work assignments based on availability and qualifications.

(8) The department may remove any consultant from the consultant list for poor performance, malfeasance, or excessive complaints from cost-reimbursement participants. The department may interview any cost-reimbursement consultant to determine whether the person is qualified for this work, and must spot-check the work of consultants to ensure that the public is being competently served.

(9) When assigned or selected for an application or set of applications to investigate, the consultant must document its findings and recommended disposition in the form of written draft reports of examination. Within two weeks of the department receiving the draft reports of examination, an applicant may provide comments to the department on the contents of the report. The department may modify the reports of examination submitted by the consultant. The department's decision on a permit application is final unless it is appealed to the pollution control hearings board under chapter 43.21B RCW.

(10) The department must provide the applicant the opportunity to review and comment on the consultant's findings, technical reports, and preliminary draft reports of examination prior to the completion of final documents by the consultant. The department must consider such comments by the applicant prior to the department's issuance of a draft report of examination.

(11) If an applicant elects not to participate in a cost-reimbursement process, the application remains on file with the department, retains its priority date, and may be processed in the future under regular processing, expedited processing, or through cost-reimbursement.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under sections 5 and 12 of this act must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right or for the examination, certification, and renewal of certification of water right examiners as provided in this chapter and chapters 90.42 and 90.44 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending

applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be made by way of mail and by publication in a newspaper of general circulation in the area where affected properties are located. The notice must:

(a) Inform those applicants that expedited processing of applications with the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that the application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed in the future through regular processing, expedited processing, coordinated cost-reimbursement processing, or cost-reimbursement. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing may be used to reimburse the other applicants who participated in the previous expedited processing of applications.

**NEW SECTION. Sec. 6.** A new section is added to chapter 90.03 RCW to read as follows:

The department must provide electronic notice and opportunity for comment to affected federally recognized tribal governments concurrently when providing notice to applicants under RCW 90.03.265 and sections 5 and 12 of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall establish and maintain a list of certified water right examiners. Certified water right examiners on the list are eligible to perform final proof examinations of permitted water uses leading to the issuance of a water right certificate under RCW 90.03.330. The list must be updated annually and must be made available to the public through written and electronic media.

(2) In order to qualify, an individual must be registered in Washington as a professional engineer, professional land surveyor, or registered hydrogeologist, or an individual must demonstrate at least five years of applicable experience to the department, or be a board member of a water conservancy board. Qualified individuals must also pass a written examination prior to being certified by the department. Such an examination must be administered by either the department or an entity formally approved by the department. Each certified water right examiner must demonstrate knowledge and competency regarding:

- (a) Water law in the state of Washington;
- (b) Measurement of the flow of water through open channels and enclosed pipes;
- (c) Water use and water level reporting;
- (d) Estimation of the capacity of reservoirs and ponds;
- (e) Irrigation crop water requirements;
- (f) Aerial photo interpretation;
- (g) Legal descriptions of land parcels;
- (h) Location of land and water infrastructure through the use of maps and global positioning;
- (i) Proper construction and sealing of well bores; and
- (j) Other topics related to the preparation and certification of water rights in Washington state.

(3) Except as provided in subsection (9) of this section, upon completion of a water appropriation and putting water to beneficial use, in order to receive a final water right certificate, the permit holder must secure the services of a certified water right examiner who has been tested and certified by the department. The examiner shall carry out a final examination of the project to verify its completion and to determine and document for the permit holder and the department the amount of water that has been appropriated for beneficial use, the location of diversion or withdrawal and conveyance facilities, and the actual place of use. The examiner shall take measurements or make estimates of the maximum diversion or withdrawal, the capacity of water storage facilities, the acreage irrigated, the type and number of residences served, the type and number of stock watered, and other information relevant to making a final determination of the amount of water beneficially used. The examiner shall make photographs of the facilities to document the use or uses of water and the photographs must be submitted with the examiner's report to the department. The department shall specify the format and required content of the reports and may provide a form for that purpose.

(4) The department may suspend or revoke a certification based on poor performance, malfeasance, failure to acquire continuing education credits, or excessive complaints from the examiner's customers. The department may require the retesting of an examiner. The department may interview any examiner to determine whether the person is qualified for this work. The department shall spot-check the work of examiners to ensure that the public is being competently served. Any person aggrieved by an order of the department including the granting, denial, revocation, or suspension of a certificate issued by the department under this chapter may appeal pursuant to chapter 43.21B RCW.

(5) The decision regarding whether to issue a final water right certificate is solely the responsibility and function of the department.

(6) The department shall make its final decision under RCW 90.03.330 within sixty days of the date of receipt of the proof of examination from the certified water right examiner, unless otherwise requested by the applicant.

(7) Each certified water right examiner must complete eight hours annually of qualifying continuing education in the water resources field. The department shall determine and specify the qualifying continuing education and shall inform examiners of the opportunities. The department shall track whether examiners are current in their continuing education and may suspend the

certification of an examiner who has not complied with the continuing education requirement.

(8) Each certified water right examiner must be bonded for at least fifty thousand dollars.

(9) The department may waive the requirement to secure the services of a certified water right examiner in situations in which the department deems it unnecessary for purposes of issuing a certificate of water right.

(10) The department shall establish and collect fees for the examination, certification, and renewal of certification of water right examiners. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. Pursuant to RCW 43.135.055, the department is authorized to set fees for examination, certification, and renewal of certification for water right examiners.

(11) The department may adopt rules appropriate to carry out the purposes of this section.

**Sec. 8.** RCW 90.14.065 and 1987 c 93 s 1 are each amended to read as follows:

(1)(a) Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry ~~((on April 20, 1987,))~~ may submit to the department of ecology for filing ~~((:))~~ an amendment to such a statement of claim if the submitted amendment is based on:

~~((4))~~ (i) An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

~~((2))~~ (ii) A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

~~((3))~~ (iii) The amendment is ministerial in nature.

(b) The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of (a)(i), (ii), or (iii) of this subsection ~~((1), (2), or (3) of this section))~~ have not been satisfied.

(2) In addition to subsection (1) of this section, a surface water right claim may be changed or transferred in the same manner as a permit or certificate under RCW 90.03.380, and a water right claim for groundwater may be changed or transferred as provided under RCW 90.03.380 and 90.44.100.

(3) Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed or approved under this section.

**Sec. 9.** RCW 90.44.100 and 2009 c 183 s 16 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or

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wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

(6) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090 or a banked water right under RCW 90.92.070.

**Sec. 10.** RCW 90.44.100 and 2003 c 329 s 3 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or

wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.44 RCW to read as follows:

Applications to appropriate groundwater under a cost-reimbursement agreement must be processed in accordance with RCW 90.03.265 when an applicant requests the assignment of a cost-reimbursement consultant as provided in RCW 43.21A.690.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be made by way of mail

and by publication in a newspaper of general circulation in the area where affected properties are located. The notice must:

- (a) Inform those applicants that expedited processing of applications with the described water source is being initiated;
- (b) Provide to individual applicants the criteria under which the applications will be examined and determined;
- (c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;
- (d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and
- (e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that the application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed in the future through regular processing, expedited processing, coordinated cost-reimbursement processing, or cost-reimbursement. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing may be used to reimburse the other applicants who participated in the previous expedited processing of applications.

**NEW SECTION. Sec. 13.** Section 9 of this act expires June 30, 2019.

**NEW SECTION. Sec. 14.** Section 10 of this act takes effect June 30, 2019.

**NEW SECTION. Sec. 15.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Rockefeller and Honeyford spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Rockefeller and Honeyford to Second Substitute Senate Bill No. 6267.

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

MOTION

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

On page 1, line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 90.03.265, 90.14.065, 90.44.100, and 90.44.100; adding new sections to chapter 90.03 RCW; adding new sections to chapter 90.44 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6267 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.

MOTION

On motion of Senator Marr, Senator Kauffman was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6267.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6267 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist and Stevens

Excused: Senator McCaslin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6261, by Senators Marr, Schoesler, Berkey, Zarelli and Hobbs

Addressing utility services collections against rental property.

The measure was read the second time.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6261 was not substituted for Senate Bill No. 6261 and the substitute bill was not adopted.

MOTION

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

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 35.21.217 and 1998 c 285 s 1 are each amended to read as follows:

(1) Prior to furnishing utility services, a city or town may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by RCW 35.21.290 or 35.67.200. A city or town may determine how to apply partial payments on past due accounts.

(2) A city or town may provide a real property owner or the owner's designee with duplicates of tenant utility service bills, or may notify an owner or the owner's designee that a tenant's utility account is delinquent. However, if an owner or the owner's designee notifies the city or town in writing that a property served by the city or town is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the city or town shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the city or town notifies the tenant of the tenant's delinquency or by mail, and the city or town is prohibited from collecting from the owner or the owner's designee any charges for electric light or power services more than four months past due. When a city or town provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is delinquent, the city or town shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee.

(3) After ~~(January 1, 1999)~~ August 1, 2010, if a city or town fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection, the city or town shall have no lien against the premises for the tenant's delinquent and unpaid charges and is prohibited from collecting the tenant's delinquent and unpaid charges for electric light or power services from the owner or the owner's designee.

(4) When a utility account is in a tenant's name, the owner or the owner's designee shall notify the city or town in writing within fourteen days of the termination of the rental agreement and vacation of the premises. If the owner or the owner's designee fails to provide this notice, a city or town providing electric light or power services is not limited to collecting only up to four months of a tenant's delinquent charges from the owner or the owner's designee, provided that the city or town has complied with the notification requirements of subsection (3) of this section.

(5) Before disconnecting utility services, a city or town shall determine whether the property served is rental property and if so, whether the customer of record is the real property owner or a tenant. When the city or town has reasonable grounds to believe that the property served is rental property and the customer of record is the real property owner and not the tenant, the city or town shall undertake reasonable efforts to inform the tenant of the impending disconnection at the same time and in the same manner that it notifies the customer of record. This notice must inform the tenant that, upon request, the city or town shall delay the disconnection of services for ten business days to give the tenant an opportunity to resolve the delinquency or dispute with his or her landlord or to arrange for continued service by opening his or her own utility service account. A city or town shall provide utility services to a tenant on the same terms and conditions as other utility customers, without requiring that he or she pay delinquent amounts for services previously provided to the rental property and owed by the landlord or a previous tenant.

**Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to read as follows:

Except as provided in RCW 35.21.217(4), cities and towns owning their own waterworks, or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished for four months charges therefor due or to become due, but not for any charges more than four months past due(~~:- PROVIDED, That the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the superintendent or other head of such works or plant to cut off service to such premises accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises together with the cut off charge, whereupon the city or town shall have no lien against the premises for charges for such service thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof).~~)."

MOTION

Senator Regala moved that the following amendment by Senator Regala and Marr to the striking amendment be adopted:

On page 2, line 15 strike "Before" through "tenant" on line 31 and insert the following, "When the utility account for a rental property is in the owner's name and a city or town has been previously notified that a tenant resides at that property, the city or town shall provide notice of pending disconnection of electric light or power services to such tenant at least ten calendar days prior to disconnection, so that the tenant has an opportunity to resolve the delinquency or dispute with his or her landlord or to arrange for continued service by opening his or her own utility service account. Payment of delinquent amounts due on the owner's utility account at the time of such notice shall be paid by the owner of the rental property and the tenant shall not be required to pay the same"

Senators Regala and Marr spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Regala and Marr on page 2, line 15 to the striking amendment to Senate Bill No. 6261.

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

Senator Marr spoke in favor of adoption of the striking amendment as amended.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment as amended by Senator Marr and others to Senate Bill No. 6261.

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

MOTION

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

On page 1, line 2 of the title, after "property;" strike the remainder of the title and insert "and amending RCW 35.21.217 and 35.21.290."

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Senate Bill No. 6261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6261.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6261 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

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

Voting nay: Senators Hatfield and Haugen

Absent: Senator Ranker

Excused: Senator McCaslin

ENGROSSED SENATE BILL NO. 6261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

#### SECOND READING

SENATE BILL NO. 6308, by Senators Carrell, King, Marr, Stevens, Becker and Roach

Controlling computer access by residents of the special commitment center.

The measure was read the second time.

#### MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 6308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Marr, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6308.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6308 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton,

Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Prentice

SENATE BILL NO. 6308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6192, by Senators Marr and Brandland

Providing for modification of the disposition concerning restitution in juvenile cases.

#### MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6192 was substituted for Senate Bill No. 6192 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Kauffman, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6192.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6192 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kline, McCaslin and Prentice

SUBSTITUTE SENATE BILL NO. 6192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6584, by Senators Fraser, Swecker, Keiser, Schoesler, Roach, McDermott and Shin

Applying the prohibition against unfair practices by insurers and their remedies and penalties to the state health care authority. Revised for 1st Substitute: Monitoring and reporting customer complaints and appeals to the state health care authority.

#### MOTIONS

THIRTY SEVENTH DAY, FEBRUARY 16, 2010

2010 REGULAR SESSION

On motion of Senator Fraser, Substitute Senate Bill No. 6584 was substituted for Senate Bill No. 6584 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6584.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6584 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kline, McCaslin and Prentice

SUBSTITUTE SENATE BILL NO. 6584, 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.

#### RULING BY THE PRESIDENT

President Owen: "In ruling on the inquiry raised by Senator Benton as to the application of Initiative Number 960 to Engrossed Substitute Senate Bill 5912, the President finds and rules as follows:

At issue is the imposition of a three-dollar fee on certain court filings, the proceeds of which will be used to publicly fund Supreme Court campaigns. While this measure's goal of enhancing the integrity of our Supreme Court is laudable, the President believes that this purpose is of overall benefit to society at large. While a filing charge paying for a judicial purpose—such as the daily functioning of the courts—would very likely be a fee, paying for campaigns seems only remotely connected with the operations of the courts. It is possible, for example, that a candidate who benefits from the fee by having his or her campaign paid for with public funds would not prevail in the election, never even serving on the bench. This broader social purpose of publicly-funded campaigns, arguably of great benefit to the general public, is not sufficiently connected to the fee and those paying it. The nexus between those paying and the benefit is too indirect, and thus this charge is more properly considered a tax under the provisions of I-960.

For these reasons, this measure will need a two-thirds vote of this body for final passage.

#### SECOND READING

SENATE BILL NO. 6371, by Senators McDermott and Berkey

Concerning money transmitters.

#### MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 6371 was substituted for Senate Bill No. 6371 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6371.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

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

Voting nay: Senators Becker, Benton, Holmquist, Roach and Stevens

Absent: Senator Brown

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6540, by Senators Fairley, Swecker, King, Parlette, Fraser, Pridemore, Shin and Roach

Transferring the combined fund drive from the department of personnel to the secretary of state.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6540.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King,

Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

SENATE BILL NO. 6540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6524, by Senators King, Kohl-Welles, Kastama, Holmquist, Keiser, Honeyford, Regala, Franklin, McDermott, Hewitt and Kline

Addressing unemployment insurance penalties and contribution rates for employers who are not "qualified employers."

#### MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6524 was substituted for Senate Bill No. 6524 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6524.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6524 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6533, by Senators Roach and Gordon

Granting high school credit for learning experiences.

#### MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6533 was substituted for Senate Bill No. 6533 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Roach moved that the following amendment by Senators Roach and McAuliffe be adopted.

On page 3, beginning on line 15, after "students" strike "consistent with policies adopted by local school boards under section 3 of this act"

Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach and McAuliffe on page 3, line 15 to Substitute Senate Bill No. 6533.

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

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6533.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6533 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6299, by Senators Schoesler, Hatfield and Shin

Regarding livestock inspection. Revised for 1st Substitute: Regarding animal inspections.

#### MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6299 was substituted for Senate Bill No. 6299 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6299.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6299 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist, Stevens and Zarelli

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8225, by Senators Fraser, Brandland and Prentice

Resolving to define "interest" in the state Constitution.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Joint Resolution No. 8225 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Fraser and Zarelli spoke in favor of the passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8225.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8225 and the resolution passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SENATE JOINT RESOLUTION NO. 8225, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6662, by Senators Kilmer, Roach, Kastama, Keiser, Zarelli and Shin

Regarding developing a curriculum for a career track for home care aides.

On motion of Senator Kilmer, Substitute Senate Bill No. 6662 was substituted for Senate Bill No. 6662 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6662.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6662 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Schoesler, Stevens and Swecker

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6522, by Senators Pflug, Keiser, Swecker, Murray, Honeyford, Kline, Hewitt and Shin

Establishing the accountable care organization pilot projects.

MOTION

On motion of Senator Pflug, Substitute Senate Bill No. 6522 was substituted for Senate Bill No. 6522 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Keiser be adopted.

On page 2, after line 19, insert the following:

"(3) The legislature further finds that public-private partnerships and joint projects, such as the Washington patient-centered medical home collaborative administered and funded jointly between the department of health and the Washington academy of family physicians, are research-supported, evidence-based primary care delivery projects that should be encouraged to the fullest extent possible because they improve health outcomes for patients and increase primary care clinical effectiveness, thereby reducing the overall costs in our health care system."

On page 3, line 25, after "payment" insert "and delivery"

On page 3, line 28, after "incentives" strike "." and insert ";

On page 3, line 31, after "technology;" insert "and  
(iii) Patient-centered medical homes are an integral component to an accountable care organization with a focus on improving patient outcomes, optimizing the use of health care information technology, patient registries, and chronic disease management, thereby improving the primary care team, and achieving cost savings through lowering health care utilization;"

On page 3, line 35, after "care" strike "." and insert "; and"

On page 4, line 10, after "ongoing" insert "joint project of the"

On page 4, line 10, after "health" insert "and the Washington academy of family physicians patient-centered"

On page 4, line 11, after "collaborative" insert "being put into practice"

Senator Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Keiser on page 2, after line 19 to Substitute Senate Bill No. 6522.

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

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug and others be adopted.

On page 2, line 22, after "shall", insert "within available resources"

Senator Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 22 to Substitute Senate Bill No. 6522.

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

#### MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Substitute Senate Bill No. 6522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6522.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6522, 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 5:01 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 17, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY SEVENTH DAY, FEBRUARY 16, 2010

2010 REGULAR SESSION

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1572-S2	Messages .....	1	2571-S	Messages.....	1
1591-S2	Introduction & 1 <sup>st</sup> Reading .....	2	2580-S	Introduction & 1 <sup>st</sup> Reading.....	4
1653	Messages .....	1	2585-S	Introduction & 1 <sup>st</sup> Reading.....	4
1697	Introduction & 1 <sup>st</sup> Reading .....	2	2603-S2	Messages.....	1
1757	Introduction & 1 <sup>st</sup> Reading .....	2	2621	Introduction & 1 <sup>st</sup> Reading.....	4
1949-S	Introduction & 1 <sup>st</sup> Reading .....	2	2642	Messages.....	1
2016-S2	Messages .....	1	2658-S2	Introduction & 1 <sup>st</sup> Reading.....	4
2138-S	Introduction & 1 <sup>st</sup> Reading .....	2	2659	Introduction & 1 <sup>st</sup> Reading.....	4
2396-S2	Introduction & 1 <sup>st</sup> Reading .....	2	2670-S2	Introduction & 1 <sup>st</sup> Reading.....	4
2397-S	Introduction & 1 <sup>st</sup> Reading .....	2	2676	Introduction & 1 <sup>st</sup> Reading.....	4
2399-S	Messages .....	15	2677	Introduction & 1 <sup>st</sup> Reading.....	4
2408-S	Messages .....	1	2678-S	Introduction & 1 <sup>st</sup> Reading.....	4
2416-S	Messages .....	1	2680-S	Introduction & 1 <sup>st</sup> Reading.....	4
2420-S	Introduction & 1 <sup>st</sup> Reading .....	2	2687-S3	Messages.....	1
2444	Introduction & 1 <sup>st</sup> Reading .....	3	2688-S	Introduction & 1 <sup>st</sup> Reading.....	4
2471-S	Messages .....	1	2704-S	Messages.....	1
2480-S2	Messages .....	15	2731-S2	Introduction & 1 <sup>st</sup> Reading.....	5
2481-S2	Introduction & 1 <sup>st</sup> Reading .....	3	2734	Messages.....	1
2487-S	Introduction & 1 <sup>st</sup> Reading .....	3	2735	Introduction & 1 <sup>st</sup> Reading.....	5
2492	Introduction & 1 <sup>st</sup> Reading .....	3	2739-S	Introduction & 1 <sup>st</sup> Reading.....	5
2495	Messages .....	1	2747-S	Introduction & 1 <sup>st</sup> Reading.....	5
2496-S	Messages .....	1	2750	Introduction & 1 <sup>st</sup> Reading.....	5
2503-S	Introduction & 1 <sup>st</sup> Reading .....	3	2751	Introduction & 1 <sup>st</sup> Reading.....	5
2504-S	Introduction & 1 <sup>st</sup> Reading .....	3	2756-S	Messages.....	1
2511	Messages .....	1	2759-S2	Messages.....	1
2527-S	Messages .....	1	2776-S	Introduction & 1 <sup>st</sup> Reading.....	5
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2789-S		4024	
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2790-S		Other Action .....	7
Introduction & 1 <sup>st</sup> Reading .....	5	5237	
2793-S2		Second Reading .....	12
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2805		Second Reading .....	12
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2818-S		5908	
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2830		Third Reading Final Passage .....	30
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2831		Second Reading .....	20
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2854-S2		Other Action .....	24
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2867-S2		6192	
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2877		6192-S	
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2884-S		Third Reading Final Passage .....	37
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2886-S		Second Reading .....	12
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2893-S		Second Reading .....	12
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2898		6261	
Introduction & 1 <sup>st</sup> Reading .....	6	Other Action .....	36
2913-S		Other Action .....	35
Introduction & 1 <sup>st</sup> Reading .....	6	Second Reading .....	35, 36
2933-S		Third Reading Final Passage .....	37
Introduction & 1 <sup>st</sup> Reading .....	6	6267	
2961-S2		Second Reading .....	30
Introduction & 1 <sup>st</sup> Reading .....	6	6267-S2	
2962-S		Other Action .....	35
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2984		Third Reading Final Passage .....	35
Introduction & 1 <sup>st</sup> Reading .....	6	6275	
2986-S		Second Reading .....	30
Introduction & 1 <sup>st</sup> Reading .....	6	Third Reading Final Passage .....	30
2987		6277	
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2990-S		Second Reading .....	30
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3026-S2		Third Reading Final Passage .....	40
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3030		Second Reading .....	37
Introduction & 1 <sup>st</sup> Reading .....	7	Third Reading Final Passage .....	37
3032-S		6309	
Introduction & 1 <sup>st</sup> Reading .....	7	Second Reading .....	8
3048-S		6309-S	
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3060-S		Third Reading Final Passage .....	9
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3067-S		Second Reading .....	12
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3076-S2		Second Reading .....	12
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3124-S		6349	
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6392-S	Third Reading Final Passage .....	38	6544	Third Reading Final Passage .....	39
6395	Other Action .....	27	6544-S	Second Reading .....	11
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6416-S	Second Reading .....	25	6634	Third Reading Final Passage .....	17
6453	Second Reading .....	25	6634-S	Second Reading .....	17
6470	Third Reading Final Passage .....	25	6644	Third Reading Final Passage .....	17
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6499	Third Reading Final Passage .....	11	6658	Second Reading .....	38
6499-S	Second Reading .....	28	6658-S	Third Reading Final Passage .....	38
6510	Second Reading .....	28	6662	Second Reading .....	11
6510-S	Third Reading Final Passage .....	28	6662-S	Second Reading .....	11
6522	Second Reading .....	25	6745	Third Reading Final Passage .....	11
6522-S	Second Reading .....	40	6662	Second Reading .....	11
6524	Third Reading Final Passage .....	41	6662-S	Second Reading .....	11
6524-S	Second Reading .....	39	6749	Third Reading Final Passage .....	11
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DRAFT