

FORTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 27, 2013

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

The Boy Scouts of America Honor Guard consisting of Eagle Scouts: Sean McGinnis, Spokane; McCaffrey Crandall, Spokane Valley; and Thomas Tangen, Vancouver presented the Colors. The Most Reverend Blasé Cupich, Bishop of the Catholic Diocese of Spokane, offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 2013

SB 5088 Prime Sponsor, Senator Benton: Concerning the equal distribution of votes within certain taxing districts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senators Eide, Co-Chair; Billig; Harper; Mullet; Rolfes and Schlicher.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5178 Prime Sponsor, Senator Carrell: Modifying organized retail theft provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5262 Prime Sponsor, Senator Fraser: Concerning the lodging tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair;

Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5444 Prime Sponsor, Senator Hasegawa: Creating greater efficiency in the offices of county assessor by eliminating the requirement to annually appraise tax-exempt government properties. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2013

SB 5454 Prime Sponsor, Senator Rolfes: Concerning the testing of infants placed in out-of-home care whose human immunodeficiency virus is unknown. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 25, 2013

SB 5591 Prime Sponsor, Senator Eide: Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5591 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

February 25, 2013

SB 5616 Prime Sponsor, Senator Sheldon: Concerning the use of farm vehicles on public highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Carrell; Ericksen;

Fain, Budget Leadership Cabinet; Harper; Litzow; Rolfes; Schlicher; Sheldon and Smith.

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

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

Passed to Committee on Rules for second reading.

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SB 5743 Prime Sponsor, Senator Hobbs: Modifying the use of revenue from automated school bus safety camera infractions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Vice Co-Chair.

Passed to Committee on Rules for second reading.

February 25, 2013

SB 5761 Prime Sponsor, Senator King: Concerning outdoor advertising sign fees, labels, and prohibitions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

MINORITY recommendation: Do not pass. Signed by Senators Benton, Vice Co-Chair; Brown and Carrell.

Passed to Committee on Rules for second reading.

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SB 5775 Prime Sponsor, Senator Benton: Allowing for a veteran designation on drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Carrell; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

ESB 5860 by Senators Padden and Kline

AN ACT Relating to legal proceedings by the attorney general on behalf of superior court judges; amending RCW 43.10.030; and adding a new section to chapter 2.08 RCW.

Referred to Committee on Judiciary.

SB 5861 by Senators Murray, Kohl-Welles, Nelson, Eide, Frockt and Kline

AN ACT Relating to local transportation revenue; amending RCW 36.73.065 and 82.80.140; adding a new section to chapter 82.80 RCW; and creating a new section.

Referred to Committee on Transportation.

MOTION

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

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentleman, it has become a tradition for the Senate to hear a Report from the Boy Scouts who do great and very generous work around the state of Washington helping in communities throughout our state. This morning we are very honored to have Eagle Scout Nick Co of Troop 609 in Issaquah to deliver the annual report to the state. The President has learned this amazing young man, as many of the scouts that are with us today, are so outstanding, has been accepted by the Naval and the Coast Guard Academies. So it's a great privilege for the President to present to you Eagle Scout Nick Co to give the annual Report of the Boy Scouts."

REMARKS BY MR. NICK CO

Nick Co: "Thank you Mr. President. Good afternoon. My name is Nicholas Co and I am an Eagle Scout, Boy Scout Troops 609 in Issaquah Washington. I and twenty one Eagle Scouts are here today representing the six Boy Scout Councils in our state. Collectively we are here today to present the annual Report to the State of Washington. This past year nearly sixty seven thousand young people in Washington State participated in Scouting programs through the mentorship of more than twenty-thousand adult volunteers. Of these Scouts twenty four thousand four hundred and sixty nine attending camp and a record of one thousand three hundred forty achieved the pinnacle of Scouting by earning the rank of Eagle in our state last year. The Boy Scouts of America was founded on the premise, to be a good citizen you must do for others. Since its inception Scouts and volunteers have committed to serving others at all times with enthusiasm and conviction. Over the years Scouts have worked diligently to protect the environment and learn the value of 'leave no trace.' Through these and many other efforts the Boy Scouts of America has established a tradition of service. In 2012 Washington Scouts and volunteers donated more than three hundred thirty four thousand hours of community service to our state. This volunteer time is valued at nearly 7.3 billion dollars. By continuing to

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recruit quality leadership, inviting youth from all backgrounds and circumstances to join and offering a fun and exciting program we seek to help ordinary young people to become extraordinary adults. On behalf of the six Boy Scout Councils from Washington State, I would like to present Lieutenant Governor Brad Owen with a copy of the 2013 Report to the State.”

REMARKS BY THE PRESIDENT

President Owen: “Thank you very much to Eagle Scout Co. He did a great job. The President would also like to recognize and have them stand all of the Scouts that are with us today and the Scout leaders. Please stand and be recognized by the Senate.”

MOTION

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

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION 8620

By Senators Mullet, Fain, Ranker, Billig, Frockt, Murray, Kohl-Welles, Roach, and Fraser

WHEREAS, The students of Tahoma High School who are enrolled in the program known as “*We The People: The Citizen and Constitution*” have exhibited exceptional knowledge of the Constitution of the United States and the lessons taught by our forefathers; and

WHEREAS, On Saturday, January 11, 2013, the state *We The People* competition was won by the team from Tahoma High School, making it the school's eighteenth state championship; and

WHEREAS, From April 26 to 29, 2013, these students will represent their state at the twenty-sixth anniversary *We The People* National Finals in Washington, D.C., where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, These students have immersed themselves in the United States Constitution and Bill of Rights, and their extraordinary understanding of the country's founding documents and principles and formidable debate skills have inspired those who have watched them progress to the level of state champions; and

WHEREAS, The Tahoma team is coached by Gretchen Wulffing, who was named Washington's Civic Educator of the Year in 2011 and who continues to impress upon her students the importance of learning about American constitutional democracy and the contemporary relevance of the nation's founding documents and principles; and

WHEREAS, These students and their advisor were aided by countless hours of help from *We The People* alumni, former students who helped prepare this year's debaters by volunteering as guest judges; and

WHEREAS, Since the creation of *We The People* in 1987, nearly thirty million students and ninety thousand teachers from across the country have participated in enhancing civic education; and

WHEREAS, Studies have shown that eighty percent of high school seniors in this program are registered to vote, compared to an average of thirty-seven percent among other high school seniors,

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proof that *We The People* promotes a greater interest in participating in government; and

WHEREAS, Tahoma High School has a distinguished record in competitions at the national level, having placed fourth in the nation in 2000, capturing the Western Regional Award in 2002 and 2008, taking the top Unit Two in the Nation Award in 2003, and placing in the top ten in 2012;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor these “warriors of the Constitution”: Noah Adam, Christina Adamson, Alissa Bates, Joel Christensen, Rachele Frets, Jessica Glassner, Mitchell Halbert, Tabitha Kim, Timothy Lamb, Molly Lathrop, Trenton Lawrence, Nicole Lindblom, Dessa Meehan, Matthew Milburn, Dakota-Storm Nichols, Erika Nist, Sorina Pitts, Angela Rocchi, Niribili Sarmah, Jacob Seely, Miranda Smith, Carter Stoddard, Ashley Taylor, Kendall von Michalofski, William Wheeler, Taylor White, and Bridget Wulffing; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's *We The People* team, team advisor Gretchen Wulffing, and the principal of Tahoma High School, Terry Duty, to convey the respect of this body for a job well done and to wish them success in their endeavors.

Senators Mullet, Fain, Brown and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Tacoma High School “*We The People*” program who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President, well, I do believe that that was Senator Brown's, I think that was a floor speech, I'm not so sure. That's got to be probably the shortest floor speech I've ever heard but maybe that matches her stature. I'm not sure about that either. Senator, it's nice to have you here. I have to tell you, you are a couple of steps up from the last Senator we had from Eighth District and it's very nice. I think most of us are very happy. You're very scurryish', if that's a word. You've been very busy around here. You have more bills out of Rules already than I have and I have been here for a dozen years. I don't know how this all happens but it does. It's fun to watch you. You've hit the road running. You're doing very, very well, but I got to tell you again, that's the shortest floor speech I've ever heard for a first speech. That's a nice sound coming out of very nice young-looking lady but I'm confused why you had to bring the Bishop here with you today. I don't know if you have some things you want to confess and maybe there's some other people on the floor want to confess with you but anyway it's nice to see the Bishop here supporting you and part of your family. Thank and welcome to the Senate, I'm sure you're going to do very, very well. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. I too would like to welcome the new Senator and I'm pleased that she is fitting in to Senate culture so well, so early with a short speech. May you keep it up. Thank you.”

PERSONAL PRIVILEGE

Senator Schoesler: “Not only was I impressed by the brevity of the new member’s speech, I’m also impressed by the fact that she is vertically challenged like the gentleman from the Sixteenth District and myself.”

PERSONAL PRIVILEGE

Senator Brown: “I thank the good Senators that abut my district and I am going to be dispersing here, shortly, gifts from my district and in those bags you’re going to find, first and for most, you’ve heard a lot of media about the Hanford Nuclear site, so the number one item you’re going to find are some spent fuel rods from the nuclear site. I thought you guys would really enjoy that. And while we’re on the topic of glowing, like we do here in the Senate, you’re also going to have beer from the Ice Harbor Brewery. The Ice Harbor Brewery was started by two gentleman that used to work at the Hanford site. And also we have a bottle of Cabernet Franc from Kestrel Vintners. It’s a wonderful, wonderful vintage and it’s a wonderful wine and I thank the good ladies from Kestrel, Felicia and Cat for bringing those to us. Although the winery is no longer in my district the grapes were born when it was in my district. We also have Wine Away just in case you have any problems with that bottle of wine. So enjoy your gifts from the Eighth Legislative District and it is truly an honor to be here and serve with all of you. Thank you.”

PERSONAL PRIVILEGE

Senator Honeyford: “Thank you Mr. President. I wonder if you could have the lights turned down to see if she truly glows in the dark.”

MOTION

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

PERSONAL PRIVILEGE

Senator Sheldon: “Well, thank you Mr. President. While the gifts are being passed out, I had to make an observation about our newest Senator, Senator Brown from the Eighth District, Tri-Cities area particularly. I sit next to Senator Brown on the Energy, Environment & Telecommunication’s Committee and I had one observation that I’ve developed over the past couple of weeks. Senator Brown has absolutely the best posture of any Senator that I’ve ever served with. So, you, as the President, can observe everyone in the floor very easily and as you go through this session if you find anyone that has better posture that is sitting more erect, more ready to go, more attentive than Senator Brown please point that person out. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Baumgartner: “I would like to know Senator Sheldon’s opinion on who has the worst posture.”

SECOND READING

SENATE BILL NO. 5235, by Senators Hargrove and Carrell

Modifying the requirements for purchase of care for Indian children.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5235.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SENATE BILL NO. 5235, 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. 5335, by Senators Dammeier, Eide, King, Hobbs and Fain

Modifying the boundaries of certain heavy haul corridors.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 5335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Eide 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. 5335.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

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SENATE BILL NO. 5335, 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. 5308, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Carrell, Darneille, Padden, Kline, Hargrove, Fraser, Chase, Keiser, Conway, Cleveland and Tom)

Establishing the commercially sexually exploited children statewide coordinating committee.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5308 was substituted for Senate Bill No. 5308 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and 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. 5308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5308, 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. 5449, by Senators Parlette, Keiser, Becker, Bailey, Dammeier, Frockt, Ericksen and Schlicher

Addressing the Washington state health insurance pool.

MOTION

On motion of Senator Parlette, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The federal patient protection and affordable care act of 2010, P.L. 111-148, as amended, prohibits the imposition of any preexisting condition coverage exceptions in the individual market for insurance coverage beginning January 1, 2014. The affordable care act also extends opportunities for individuals to enroll in comprehensive coverage in a health benefit exchange beginning January 1, 2014. The legislature finds that some individuals may still be barred from enrolling in the new comprehensive coverage options and it is the intent of the legislature to continue some limited access to the Washington state health insurance pool for a transitional period, and to provide for modification to the pool to reflect changes in federal law and insurance availability.

Sec. 2. RCW 48.41.060 and 2011 c 314 s 13 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) ~~((Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;~~

~~(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;~~

~~(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every thirty six months unless at the time when certification is required the pool will be discontinued before the end of the succeeding thirty six month period. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;~~

~~(d)) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;~~

~~((e))~~ (b)(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

~~((f))~~ (c) Issue policies of health coverage in accordance with the requirements of this chapter;

~~((g))~~ (d) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

~~((h))~~ (e) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

~~((i))~~ (f) Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

~~((j))~~ (g) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 3. RCW 48.41.100 and 2011 c 315 s 5 and 2011 c 314 s 15 are each reenacted and amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

(i) ~~((Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;~~

~~((ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;~~

~~((iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool)) Any resident of the state not eligible for medicare coverage or medicaid coverage, and residing in a county where an individual health plan other than a catastrophic health plan as defined in RCW 48.43.005 is not offered to the resident at the time of application to the pool, whether through the health benefit exchange operated pursuant to chapter 43.71 RCW or in the private insurance market, and who makes application to the pool for coverage prior to December 31, 2017;~~

(i) Any resident of the state not eligible for medicare coverage, enrolled in the pool prior to December 31, 2013, shall remain eligible for pool coverage except as provided in subsections (2) and (3) of this section through December 31, 2017;

~~((iv))~~ (iii) Any person becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

~~((v))~~ (iv) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application((~~and~~

~~((vi) Any person under the age of nineteen who does not have access to individual plan open enrollment or special enrollment, as defined in RCW 48.43.005, or the federal preexisting condition insurance pool, at the time of application to the pool is eligible for the pool coverage)).~~

(b) For purposes of (a)((~~v~~))(iv) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship

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and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Inmates of public institutions and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

~~—(c) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(a)(iv) of this section).~~

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(a)(~~(iii)~~) (i) of this section that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(a)(~~(iii)~~) (i) of this section ~~(, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(a)(iii) of this section within thirty days of determining that he or she is no longer eligible;~~

~~—(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)(i), (ii), or (iv) of this section); and~~

~~((e))~~ (b) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; and (iii) describe the ~~((procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(a)(ii) of this section; and (iv) describe the))~~ enrollment process for the available options outside of the pool.

~~((4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.)~~

Sec. 4. RCW 48.41.160 and 2007 c 259 s 27 are each amended to read as follows:

(1) On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage

consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) ~~((and)), (5), (7), and (8))~~ of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace or discontinue a plan under this subsection (4) until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

(6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

(7) All pool policies issued on or after January 1, 2014, must reflect the new eligibility requirements of RCW 48.41.100 and contain a statement of the intent to discontinue the pool coverage on December 31, 2017, under pool nonmedicare plans.

(8) Pool policies issued prior to January 1, 2014, shall be modified effective January 1, 2013, consistent with subsection (3)(g) of this section, and contain a statement of the intent to discontinue pool coverage on December 31, 2017, under pool nonmedicare plans.

(9) The pool shall discontinue all nonmedicare pool plans effective December 31, 2017.

Sec. 5. RCW 48.41.240 and 2012 c 87 s 17 are each amended to read as follows:

(1) The board shall review populations that may need ongoing access to coverage through the pool, with specific attention to those persons who may be excluded from or may receive inadequate coverage beginning January 1, 2014, such as persons with end-stage renal disease or HIV/AIDS, or persons not eligible for coverage in the exchange.

(2) If the review under subsection (1) of this section indicates a continued need for coverage through the pool after December 31, 2013, the board shall submit recommendations regarding any modifications to pool eligibility requirements for new and ongoing enrollment after December 31, 2013. The recommendations must address any needed modifications to the standard health questionnaire or other eligibility screening tool that could be used in a manner consistent with federal law to determine eligibility for enrollment in the pool.

(3) The board shall complete an analysis of current pool assessment requirements in relation to assessments that will fund the reinsurance program and recommend changes to pool assessments or any credits against assessments that may be considered for the reinsurance program. The analysis shall recommend whether the categories of members paying assessments should be adjusted to make the assessment fair and equitable among all payers.

(4) The board shall report its recommendations to the governor and the legislature by December 1, 2012.

(5) The board shall revisit the study of eligibility completed in 2012 with another review of the populations that may need ongoing access to coverage through the pool, to be submitted to the governor and legislature by November 1, 2015. The eligibility study shall include the nonmedicare populations scheduled to lose coverage and medicare populations, and consider whether the enrollees have access to comprehensive coverage alternatives that include appropriate pharmacy coverage. The study shall include recommendations to address any barriers in eligibility that remain in accessing other coverage such as medicare supplemental coverage or comprehensive pharmacy coverage, as well as suggestions for financing changes and recommendations on a future expiration of the pool.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act take effect January 1, 2014."

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 Parlette and Keiser to Substitute Senate Bill No. 5449.

The motion by Senator Parlette 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 "pool;" strike the remainder of the title and insert "amending RCW 48.41.060, 48.41.160, and 48.41.240; reenacting and amending RCW 48.41.100; creating a new section; and providing an effective date."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Keiser and Darneille 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. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, 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. 5630, by Senators Bailey, Keiser, Becker, Conway and Frockt

Implementing recommendations of the adult family home quality assurance panel.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5630 was substituted for Senate Bill No. 5630 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Keiser 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. 5630.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5630 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway,

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SECOND READING

SENATE BILL NO. 5459, by Senators Becker, Keiser, Parlette, Dammeier and Kline

Requiring ninety-day supply limits on certain drugs dispensed by a pharmacist.

SUBSTITUTE SENATE BILL NO. 5630, 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.

MOTIONS

SECOND READING

SENATE BILL NO. 5221, by Senators Kohl-Welles, Carrell and Darneille

Requiring notification of release of a person following dismissal of charges based on incompetence to stand trial.

The measure was read the second time.

MOTION

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

On page 3, line 6, after "attorney" insert "and defense attorney"

Senator Kohl-Welles 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 Kohl-Welles and Carrell on page 3, line 6 to Senate Bill No. 5221.

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

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

ENGROSSED SENATE BILL NO. 5221, 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.

On motion of Senator Becker, Substitute Senate Bill No. 5459 was substituted for Senate Bill No. 5459 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Keiser and Parlette 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. 5459.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5459 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5459, 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. 5507, by Senators Billig, Benton, Rolfes, Rivers, Hatfield, Harper, Ranker, Hasegawa, Frockt, Schlicher, Smith, Fraser, Sheldon, Roach, Kohl-Welles, Keiser, Shin, Murray, McAuliffe, Kline and Conway

Increasing transparency of donors to candidates and ballot measures.

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 5507 was substituted for Senate Bill No. 5507 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 5507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Benton 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. 5507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5507 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

SUBSTITUTE SENATE BILL NO. 5507, 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 Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Debbie Ahl, Gubernatorial Appointment No. 9000, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

Senator Ericksen spoke in favor of the motion.

APPOINTMENT OF DEBBIE AHL

The President declared the question before the Senate to be the confirmation of Debbie Ahl, Gubernatorial Appointment No. 9000, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Debbie Ahl, Gubernatorial Appointment No. 9000, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Debbie Ahl, Gubernatorial Appointment No. 9000, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION

8624

By Senators Brown, Kohl-Welles, Roach, Schlicher, Hatfield, Becker, Holmquist Newbry, Eide, Conway, and Fraser

WHEREAS, The Washington State Senate recognize extraordinary merit and achievement in all forms of endeavors; and

WHEREAS, The Seattle Seahawks thrilled fans by finishing the 2012 season with an overall record of 11-5, including a perfect 8-0 record on their home field in 2012; and

WHEREAS, The Seahawks advanced to the playoffs winning the NFC wild card round and representing the city admirably in the NFC divisional round; and

WHEREAS, The Seahawks have inspired their fans with their commitment to community and tenacity of play, inspiring the spirit of the "12th Man" to reach every part of this great state and each Seahawks fan across the country, and leading the "12th Man" to be the loudest fans in the league producing more opponent false starts than any other fan base since 2005; and

WHEREAS, The Seahawks achieved amazing team and individual accomplishments in the 2012 season with six Pro Bowl selections and four All-Pro selections; and

WHEREAS, Though one of the youngest teams in the league, the Seahawks showed great poise throughout the season that was demonstrated by players that placed second in defensive Rookie of the Year honors, third in offensive Rookie of the Year honors, and by setting the rookie quarterback record for touchdown passes in a single season; and

WHEREAS, The Seahawks defense was the number one ranked scoring defense in the NFL, and the offense set single-season records during the regular season for total rushing yards, average rushing yards, and per-carry average; and

WHEREAS, The Seahawks inspired the "12th Man" on and off the field through its civic work with the Seattle Seahawks Charitable Foundation; and

WHEREAS, The Seahawks Charitable Foundation and Spirit of 12 Partners, including the Russell Okung's UP Foundation, the Trufant Family Foundation, the Marshawn Lynch Fam 1st Family Foundation, and the Michael Robinson's Excel 2 Excellence Foundation, embody the team's commitment to the Pacific Northwest community and its fans; and

WHEREAS, Coach Pete Carroll has been an incredible leader by guiding the Seahawks to an overall winning record since joining the team in 2010 and working with youth in our communities through the formation of A Better Seattle, a partnership to help create a culture of safety and peace while reducing violence in our communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Seattle Seahawks on their outstanding success on the field and commend Seahawks players and management for their support of community activities and charitable causes; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Seattle Seahawks Football Team. Go Hawks.

Senators Brown and Hargrove spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

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

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REMARKS BY THE PRESIDENT

President Owen: "The President is greatly honored to be able to introduce this amazing man. Let me tell you a little bit about the coach. He's the eighth; he joined the Seattle Seahawks January 11 bringing eighteen years of NFL experience and nineteen years of college experience. He was head coach at University of Southern Cal between 2001-2009 and much to the dismay of the Huskies and the Cougars he led the Trojans to seven consecutive PAC 10 titles and two national championships. In 2003 he helped develop A Better LA, a non-profit group working to reduce gang violence by empowering change in individuals in communities and in 2009 received a Crystal Heart Award from the SC School of Social Work for those efforts. Based on a model of A better LA, Pete Carroll created A Better Seattle, a 2011 partnership with the YMCA of Greater Seattle and the Seattle Youth Violence Prevention Initiative. Coach Carroll and his wife Glenna have three children, one grandson and a granddaughter. It is a great honor for the President to be able to introduce to you Coach Pete Carroll."

REMARKS BY PETE CARROLL

Pete Carroll: "Thank you very much. Thank you Senator Brown. I just want to start off by saying I know we have a really exciting football team and all. We're led by a very exciting football player Russell Wilson and I think, I don't care if you've been in five terms, you better watch out, he's coming for your job. There's nothing to stop this guy and we're so thrilled to be part of representing the Twelfth man and I know representing your constituents. This is an extraordinary area, the energy; the love of supporting their teams as well as just having this pioneer spirit that's so cool about being in the Northwest is really something. I'm really proud to be part of it and having a blast doing it. Could you imagine. Look where I am. I can't believe I'm here today so I did the preliminary work on the other end of the building okay with the Democrats/Republicans but now that we're here with you guys at the Senate, this is big time isn't it? Yeah it is isn't it. I'm in deep trouble over there now. We're fired up about football but we're here for a different reason today and I've been given this opportunity to come and tell you a little story and give you a little background on some work that we've done that really does reach out to your world. It was years ago in SC when, the second year I think at the Trojans driving in on a Monday morning on Notre Dame week and I heard a report on the radio where four kids got killed in the streets over the weekend. That same news report going down Figueroa Avenue right down through South Central every day, I got the report that in related incidences three more kids were killed from what had happened over the weekend. And then by Thursday eleven kids had been killed in retaliation's and I had an old friend that some of you may know Lou Tice who ran the Pacific Institute here for years and has been a great friend over the years and we always wanted to do something significant and we said call each other. So, I said 'Lou the kids are dying in the streets of Los Angeles at such an alarming rate we got to do something.' He said 'Ok, I'm in' didn't take any more than that and from that thought and that affirmation we put a meeting out that we were going to talk about youth violence and what's going on in LA. I mean we didn't know anything, I mean I didn't know a thing what was going on. I didn't have a clue but we did a pretty good job of broadcasting that we were going to have a meeting right there on campus. We made a time and a date, people started showing up and we received the media, the Mayor, I loved that Maxine Waters showed up, people from all walks of the community that were involved, to Chief of Police department,

the Sheriff's Department, probation, community based organizations, there were people from everywhere. They just jammed in a room and we started talking about the problems and what's going on and really just convened on the issue. What came from that was an energy that has allowed us to create A Better LA and the organization down there, you know the foundation that would just help in aid in work. Really we saw our focus going towards the outreach workers in the community. All of the people that were involved I asked them that night, I don't know if you going to help us or not but whatever you say you're going to do, do it and if you're not going to do something just please stay out of our way because we got something special here that's going to happen if we just stay together. From that first night and the nights that followed and the efforts that occurred we saw this tremendous connection occur where the Sheriff's Department was talking to the police, the police was talking to the probation and the organizations that had been just dying for some kind of recognition were now talking to the Mayor's office and there was a dialogue of common language that kind of resulted out of that, that started a momentum that followed a destitute time, where LA police and Sheriff's Department has said we can't solve the problem, we can't arrest our way out of this, we're not getting it done. We connected outreach work with law enforcement and all of the other organizations that do this marvelous work in just a way that the language was created and a dialogue has stood till today and we've seen tremendous, tremendous turns in what's going on in Los Angeles. Los Angeles is a monster of a job. At the point where we started there was ninety six thousand registered gang members and think of all the ones that weren't. There was so many people that were involved there, it was a staggering number but a tremendous movement has occurred. So, that took place and we're excited about it and thrilled. We did it in this fashion. We realized by talking to the kids in the streets really that's where the story is being told, they knew that they were either going to die or go to jail and they lived a life of this hopelessness and had nowhere to turn to avoid that mentality and I heard time and time again and it finally hit me that that's the vision the kids hold, they don't have a chance of doing anything but that because vision is so powerful. And our job became to help people sculpt and shape a vision of hope of some fashion to give them a chance and a plan to get out. We realized through our coaching that once you create a vision for an individual or for a team or for an organization or the Twelfth man and everybody joins on board and understands what that vision is, our job then becomes to stay in connection with that vision. When we do that manifest happens right before your eyes and we've seen it happen that time and time again and here we are now in Seattle. I hope that maybe somebody would say you know coach you did that thing down in LA, what do you think about it up here, would it work? Well, we always wanted to create a model that could be transferable, that we could show that there is a way to get this done. So when that happened the Chief of Police and the Sheriff's Department they came to us and they said, 'We're interested. What's going on?' We found a young man Kevin Griffin who worked for the Seahawks, I don't know where Kevin is now, but he's in the building somewhere here. Kevin has been an extraordinary factor who has worked out of the Seahawks office so the NFL backed up our mission here. Steve Ballmer and Connie Ballmer decided that this was something they wanted to be involved with and they made a statement from the private sector that we would support. Well, we found that the YMCA was already supporting a group called 'Alive and Free' that has been doing marvelous outreach work but it also connected us with the Y and so we took this model of the NFL private sector, the YMCA and also with the corporate help that we've received created a beautiful model here in Seattle to really

even take it a step further than what had happened in Los Angeles. LA has continued to be supportive and we exchange groups and we teach, we bring people down there, we bring people up here so all that we've learned in the past is shared here. That's why A Better LA, A Better Seattle is connected and we hope to continue to spread the model. We're not just in Seattle. We're spreading out to the surrounding areas. We just heard today from Eastern Washington needs help. We'll listen to everybody and help everybody we can. In an effort to help kids live a safer life and to help them get home and show up to their mom and dad when they get home after school. In that effort by quelling the youth issues that occur we can make communities more thriving, more safe and more prosperous and just as they should be. We're trying to do the right thing and we have found a really cool model to do this and it works and it's at hand and it's already happening in your area. We're here today to say we need your help. The big step, that's why I'm so thrilled to be here, the big step for us in California is we need to get to the next level because private funding won't get it done. We need state support and we're going to need federal support as well. Well, we just heard two weeks ago from the President, he just talked exactly about creating the ladder that kids could climb for opportunity to get out of their issues. Well, he's talking about exactly what we're talking about. Here's where it really hits home. If we do a great job here in Washington you can be the first state that sets in the motion how this problem can be dealt with and really it's not something we can't understand. It's done one person at a time. One person talking to one kid sitting on a park bench helping them create a vision of hope that would not have happened otherwise and then it's the next one and then you reach into a family, you're saving lives directly and you're also saving communities and we're saving the state millions and millions of dollars as well. It's extraordinary, its staggering how much it cost to process a gang order in LA, you'd be shocked. It's a million to million and half a person, it's extraordinary amount of funds that go out, by spending money we'll save an extraordinary amount in just the work that we do. That's a financial way of looking at it but really we're doing wonderful work. So, we're here to make a call to you, wherever you can help us we want to help us. If you say you're going to help us then do it and if you can't, just sit back and let us do the good stuff we're going to do and don't get in our way because we're going to do something great. I'm thrilled to be here. Thank you so much for this opportunity to speak to you and I hope we'll do a lot of great things in the future. Thank you. Go Hawks."

PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President. I just wanted to announce to the members here today that tomorrow morning at 8:00 a.m. the Energy, Environment & Telecommunications Committee will be holding a briefing on the situation over at Hanford regarding the leaking tanks. So, if anybody would like to join us for that briefing it will be 8:00 a.m. tomorrow over in Senate Hearing Room 1."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Given our guests being here today representing the Seahawks, I would like to acknowledge that former and late Senator Alex Deccio was a real leader here in our legislature. He and I were kind of a tag team in getting the legislation through to have a measure sent to the ballot for the voters to determine whether there would be a new Seahawks Stadium. It was one of the most challenging bills, as those of you who will remember, who were here at that time, there was a lot of back and forth. I had been on the Kingdome Task Force that made the recommendation to provide for a measure to have a new stadium being constructed. Former Senator Luke Esser and I went to the Super Bowl the year when the Seahawks were in it as did a couple of House members and it's really been exciting, I believe it's really paid off. I frequently think of Senator Deccio and all he put into that challenge. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator King: "I would just like to point out to the body that the Sun Dome is still standing. Thank you."

MOTION

At 11:39 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Thursday, February 28, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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