

**FIFTY FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, March 5, 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 Sergeant at Arms Color Guard consisting of Pages Yasmine Arbob and Garrett Nelson, presented the Colors. The Reverend Tony Irving of Saint Benedict Episcopal Church of Lacey 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

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

MESSAGE FROM THE HOUSE

March 4, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1012,  
 SUBSTITUTE HOUSE BILL NO. 1032,  
 HOUSE BILL NO. 1065,  
 SUBSTITUTE HOUSE BILL NO. 1074,  
 SUBSTITUTE HOUSE BILL NO. 1076,  
 HOUSE BILL NO. 1101,  
 SUBSTITUTE HOUSE BILL NO. 1107,  
 SUBSTITUTE HOUSE BILL NO. 1155,  
 SUBSTITUTE HOUSE BILL NO. 1170,  
 HOUSE BILL NO. 1179,  
 HOUSE BILL NO. 1225,  
 SUBSTITUTE HOUSE BILL NO. 1265,  
 HOUSE BILL NO. 1361,  
 HOUSE BILL NO. 1362,  
 SUBSTITUTE HOUSE BILL NO. 1418,  
 HOUSE BILL NO. 1441,  
 SUBSTITUTE HOUSE BILL NO. 1487,  
 SUBSTITUTE HOUSE BILL NO. 1529,  
 HOUSE BILL NO. 1533,  
 HOUSE BILL NO. 1570,  
 HOUSE BILL NO. 1576,  
 HOUSE BILL NO. 1592,  
 HOUSE BILL NO. 1593,  
 SUBSTITUTE HOUSE BILL NO. 1617,  
 HOUSE BILL NO. 1770,  
 SUBSTITUTE HOUSE BILL NO. 1806,  
 SUBSTITUTE HOUSE BILL NO. 1853,  
 SUBSTITUTE HOUSE BILL NO. 1868,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2013

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1093,  
 SUBSTITUTE HOUSE BILL NO. 1116,  
 SUBSTITUTE HOUSE BILL NO. 1130,  
 SUBSTITUTE HOUSE BILL NO. 1144,  
 HOUSE BILL NO. 1146,  
 HOUSE BILL NO. 1149,  
 HOUSE BILL NO. 1173,  
 HOUSE BILL NO. 1178,  
 SUBSTITUTE HOUSE BILL NO. 1242,  
 HOUSE BILL NO. 1251,  
 HOUSE BILL NO. 1266,  
 SUBSTITUTE HOUSE BILL NO. 1284,  
 SUBSTITUTE HOUSE BILL NO. 1298,  
 SUBSTITUTE HOUSE BILL NO. 1332,  
 HOUSE BILL NO. 1345,  
 SUBSTITUTE HOUSE BILL NO. 1397,  
 SUBSTITUTE HOUSE BILL NO. 1423,  
 HOUSE BILL NO. 1447,  
 SUBSTITUTE HOUSE BILL NO. 1512,  
 SUBSTITUTE HOUSE BILL NO. 1536,  
 HOUSE BILL NO. 1645,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1647,  
 SUBSTITUTE HOUSE BILL NO. 1669,  
 HOUSE BILL NO. 1736,  
 SUBSTITUTE HOUSE BILL NO. 1812,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,  
 SUBSTITUTE HOUSE BILL NO. 1614,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:39 a.m. by President Owen.

MOTION

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

THIRD READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Bob Bolerjack, Gubernatorial Appointment No. 9006, be confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

Senators Bailey, Kohl-Welles and Hobbs spoke in favor of passage of the motion.

#### APPOINTMENT OF BOB BOLERJACK

The President declared the question before the Senate to be the confirmation of Bob Bolerjack, Gubernatorial Appointment No. 9006, as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Bob Bolerjack, Gubernatorial Appointment No. 9006, as a member of the Board of Trustees, Everett Community College District No. 5 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

Bob Bolerjack, Gubernatorial Appointment No. 9006, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

Senator Baumgartner moved that Gregory Bever, Gubernatorial Appointment No. 9004, be confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Senators Baumgartner and Billig spoke in favor of passage of the motion.

#### APPOINTMENT OF GREGORY BEVER

The President declared the question before the Senate to be the confirmation of Gregory Bever, Gubernatorial Appointment No. 9004, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Gregory Bever, Gubernatorial Appointment No. 9004, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 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

Gregory Bever, Gubernatorial Appointment No. 9004, having received the constitutional majority was declared

confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

Senator Schoesler moved that Anna Franz, Gubernatorial Appointment No. 9016, be confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

Senator Schoesler spoke in favor of the motion.

#### APPOINTMENT OF ANNA FRANZ

The President declared the question before the Senate to be the confirmation of Anna Franz, Gubernatorial Appointment No. 9016, as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Anna Franz, Gubernatorial Appointment No. 9016, as a member of the Board of Trustees, Big Bend Community College District No. 18 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

Anna Franz, Gubernatorial Appointment No. 9016, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

Senator Tom moved that Lisa Chin, Gubernatorial Appointment No. 9010, be confirmed as a member of the Board of Trustees, Bellevue College District No. 8.

Senators Tom and Shin spoke in favor of passage of the motion.

#### APPOINTMENT OF LISA CHIN

The President declared the question before the Senate to be the confirmation of Lisa Chin, Gubernatorial Appointment No. 9010, as a member of the Board of Trustees, Bellevue College District No. 8.

The Secretary called the roll on the confirmation of Lisa Chin, Gubernatorial Appointment No. 9010, as a member of the Board of Trustees, Bellevue College District No. 8 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,

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Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Lisa Chin, Gubernatorial Appointment No. 9010, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue College District No. 8.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that James Cunningham, Gubernatorial Appointment No. 9013, 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 JAMES CUNNINGHAM

The President declared the question before the Senate to be the confirmation of James Cunningham, Gubernatorial Appointment No. 9013, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of James Cunningham, Gubernatorial Appointment No. 9013, 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

James Cunningham, Gubernatorial Appointment No. 9013, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Rebecca Chaffee, Gubernatorial Appointment No. 9008, be confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF REBECCA CHAFFEE

The President declared the question before the Senate to be the confirmation of Rebecca Chaffee, Gubernatorial Appointment No. 9008, as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Rebecca Chaffee, Gubernatorial Appointment No. 9008, as a member of the Board of Trustees, Grays Harbor Community College District No. 2 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

Rebecca Chaffee, Gubernatorial Appointment No. 9008, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Braun moved that Joseph Dolezal, Gubernatorial Appointment No. 9014, be confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF JOSEPH DOLEZAL

The President declared the question before the Senate to be the confirmation of Joseph Dolezal, Gubernatorial Appointment No. 9014, as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Joseph Dolezal, Gubernatorial Appointment No. 9014, as a member of the Board of Trustees, Centralia Community College District No. 12 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

Joseph Dolezal, Gubernatorial Appointment No. 9014, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

PERSONAL PRIVILEGE

Senator Billig: "Thank you, I wanted to just take a moment to congratulate the Gonzaga University Men's and Women's basketball teams for their phenomenal season. Gonzaga which is based right in the heart of Third Legislative District in Spokane really had a terrific year in many ways and particularly want to recognize the Men's Basketball team. Not only ranked number one in the country for the first time in school history but for the first time in the history of the state of Washington. Certainly a significant accomplishment there. And it's a big year for Gonzaga also that they're celebrating their one hundred twenty-fifth anniversary. So congratulations all the way around not just for the athletics but for all they do for the Spokane community and our whole state. I wish the Gonzaga teams good luck in the WCC and the NCAA tournaments. Go Zags. Thank you."

## MOTION

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

## SECOND READING

SENATE BILL NO. 5100, by Senators Hargrove and Padden

Addressing the statute of limitations for sexual abuse against a child.

## MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Padden 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. 5100.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100 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. 5100, 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. 5601, by Senators Becker, Cleveland, Dammeier and Schlicher

Concerning interpretation of state law regarding rebating practices by health care entities.

## MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5601 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. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker 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. 5601.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5601 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. 5601, 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. 5556, by Senators Darneille, Dammeier, Schlicher, Conway, Roach, McAuliffe, Becker, Carrell, Delvin and Shin

Concerning missing endangered persons.

## MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Padden 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. 5556.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556 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. 5556, 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. 5149, by Senators Carrell, Conway, Padden, Pearson, Braun, Dammeier and Parlette

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Concerning crimes against pharmacies.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Billig, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Murray

SENATE BILL NO. 5149, 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. 5723, by Senators Hewitt, Conway, Brown and Kline

Authorizing enhanced raffles conducted by bona fide charitable or nonprofit organizations serving individuals with intellectual disabilities.

MOTION

On motion of Senator Hewitt, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 4, after line 30, insert "(9) This section expires June 30, 2017."

Senators Darneille and Hewitt 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 Darneille on page 4, after line 30 to Substitute Senate Bill No. 5723.

The motion by Senator Darneille carried and the 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 "raffles;" strike the remainder of the title and insert "adding a new section to chapter 9.46 RCW; and providing an expiration date."

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, what are the number of votes that are required for passage of this particular measure?"

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute Senate Bill No. 5723 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5606, by Senators Roach, Hasegawa, Litzow, Nelson, Mullet, Harper and Rivers

Concerning fire suppression water facilities and services provided by municipal and other water purveyors.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Hasegawa and 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. 5606.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5606 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson,

Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Baumgartner and Ericksen

Absent: Senator Holmquist Newbry

Excused: Senator Murray

SENATE BILL NO. 5606, 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. 5119, by Senators Carrell, Pearson, Hewitt, Sheldon, Becker, Holmquist Newbry, Litzow, Roach, Honeyford and Dammeier

Creating a sentence enhancement for body armor.

#### MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5119 was substituted for Senate Bill No. 5119 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. 5119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and 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. 5119.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Frockt and Nelson

Excused: Senator Murray

SUBSTITUTE SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 2:36 p.m. by President Owen.

#### MOTION

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

#### MOTION

Senator Frockt moved adoption of the following resolution:

#### SENATE RESOLUTION

8631

By Senators Frockt, Fraser, Eide, Shin, McAuliffe, Kohl-Welles, Murray, Litzow, Baumgartner, Carrell, Smith, Pearson, Chase, Kline, Conway, Mullet, Cleveland, Hasegawa, Keiser, Ranker, Harper, Darneille, Nelson, Hargrove, Hatfield, Hobbs, Schlicher, Billig, Ericksen, Fain, Schoesler, Parlette, Brown, King, and Tom

WHEREAS, The 32nd President, Franklin Delano Roosevelt, was the longest serving President of the United States; and

WHEREAS, March 4, 2013, marks the 80th anniversary of President Roosevelt's first inauguration; and

WHEREAS, Roosevelt defied his physical constraints resulting from polio to lead this country successfully through the Great Depression and World War II, as both President and Commander in Chief; and

WHEREAS, Roosevelt lived by the American ideals of courage, progressivism, and empathy, and recognized that in order to have a future, you must first take care of people in the present; and

WHEREAS, Through his compassion for the vulnerable, and his recognition of the necessity of a strong middle class, Roosevelt helped mold the American dream into reality, even at a time when millions were overwhelmed by the devastating effects of the economic crisis; and

WHEREAS, Roosevelt was a great statesman and visionary, who put citizens back to work through the Civilian Conservation Corps and the Farm Securities Administration, which vastly improved infrastructure and public lands, and documented a momentous period in our history for the sake of historic preservation and prevention of that scale of depression from happening again; and

WHEREAS, Roosevelt's Administration put the nation back onto solid ground and moving forward by developing the Social Security Administration so our elderly could retire with dignity, and the Federal Deposit Insurance Corporation, which safeguards the savings of Americans; and

WHEREAS, Even in the darkness of national Depression and World War, he set an unprecedented standard of international cooperation; and

WHEREAS, President Roosevelt's legacy reminds us that even the most complicated societies are made whole by a few simple truths – that freedom and justice exist when it exists for all, anyone can find courage when it is needed, and treating others as we would like to be treated is at the heart of a fair and prosperous society;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor President Franklin Delano Roosevelt for his continuing legacy of cooperation, courage, compassion, and statesmanship.

Senators Frockt, Sheldon, Conway and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

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

#### MOTION

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

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## SECOND READING

SENATE BILL NO. 5558, by Senators Fain, Hobbs, Keiser, Shin and Kline

Creating loan-making authority for down payment assistance for single-family homeownership.

The measure was read the second time.

## MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Benton 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. 5558.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, 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

Absent: Senator Baumgartner

SENATE BILL NO. 5558, 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, Senator Baumgartner was excused.

## SECOND READING

SENATE BILL NO. 5316, by Senators Becker and Carrell

Adopting a model policy to require a third person to be present during interviews.

## MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5316 was substituted for Senate Bill No. 5316 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. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Darneille 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. 5316.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5316 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. 5316, 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. 5516, by Senators Keiser and Fain

Establishing the criminal justice training commission firing range maintenance account.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5516.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5516 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. 5516, 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. 5446, by Senators Hobbs, Schoesler, Hatfield and Tom

Providing a process for the state auditor's office to apply for investigative subpoenas.

The measure was read the second time.

## MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5446 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. 5446.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5446 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. 5446, 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. 5399, by Senators Dammeier, Becker, Conway, Fraser, Rivers and Nelson

Addressing the timing of penalties under the growth management act.

## MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 5399 was substituted for Senate Bill No. 5399 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Nelson 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. 5399.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5399 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. 5399, 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. 5081, by Senators Ranker, Litzow, Shin, Kline, Keiser and Frockt

Regarding unlawful trade in shark fins.

The measure was read the second time.

## MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## POINT OF INQUIRY

Senator Sheldon: "Would Senator Ranker yield to a question? I'm sorry that Senator Ranker would not or declined to explain his bill but I'm just reading through it and the last section here, it says what I interpret, it says if you have shark fins in your freezer before July 22, 2011 you can now sell them. that's the way I read it, so if there's somebody that can clarify for me that I'd appreciate it."

Senator Ranker: "Thank you Mr. President, so I will take the question. Sorry, about that Senator Sheldon, I just get nervous when you stand up and ask me about a question. The last time I did that things got really bad. Not your fault though. That is not the intent of the bill and I do not believe states that. I believe what the bill does as it takes out the date certain so that basically now that if you are in possession of shark fins you are breaking the law."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5081.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5081 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Becker, Holmquist Newbry, Honeyford and Sheldon

SENATE BILL NO. 5081, 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



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

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5723 which had been deferred earlier in the day.

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of parliamentary inquiry raised by Senator Frockt concerning the number of votes necessary to pass Substitute Senate Bill 5723, the President finds and rules as follows:

Substitute Senate Bill 5723 is a measure that permits enhanced raffles for a narrow group of nonprofits. While raffles are allowed under current law, the operations are quite limited. There are strict limits on the types of drawings that may be offered as well as restrictions on the method of sales and administration of raffles.

In contrast, the enhanced raffles authorized in Substitute Senate Bill 5723 would allow a non-profit to contract with other licensees to operate the enhanced raffles. Participants may purchase enhanced raffle tickets in a variety of different ways. Certain purchasers may participate in 'early bird' raffles, and may be eligible to win additional prizes for referring other purchasers to the raffle organizers, (refer a friend drawings) or for buying multiple numbers of tickets (multiple ticket drawings).

Taken individually, each of these changes may not constitute an expansion of gambling. However, when viewed collectively, they work together to create a significantly different type of raffle. The President would like to caution the body that a procedural change or an operational change to a current form of gambling will not necessarily indicate an expansion of gambling.

In this case, the new games, new sales methods and changes in administration, taken collectively, so change the form of current raffles that the President finds that Substitute Senate Bill 5723 authorizes a new form of gambling. Therefore, the President rules that a sixty percent majority (thirty votes) is required on final passage in accordance with Article II, Section 24 of the State Constitution."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5723.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Harper, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Dammeier, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Holmquist Newbry, Mullet, Nelson, Padden and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5723, 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

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

#### SECOND READING

SENATE BILL NO. 5810, by Senators Darneille, Carrell and Shin

Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille 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. 5810.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5810 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. 5810, 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. 5607, by Senators Harper, Hewitt, Kohl-Welles and Kline

Concerning beer, wine, and spirits theater licenses.

The measure was read the second time.

#### MOTION

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

On page 1, line 8, after "premises." insert "Such license may be issued only to theaters also maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals. Requirements for complete meals shall be the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Holmquist Newbry, the amendment by Senator Holmquist Newbry and others on page 1, line 8 to Senate Bill No. 5607 was withdrawn.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a theater license to sell beer, including strong beer, wine, spirits, or all, at retail, for consumption on theater premises, which contain no more than one hundred twenty seats per screen. Such license may be issued only to theaters also maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals and provide tabletop accommodations for in-theater dining. Requirements for complete meals shall be the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee is four hundred dollars for a beer, wine, and spirits theater license.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board, and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown.

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of beer, wine, and/or spirits must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a beer, wine, or spirits manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the beer, wine, or spirits manufacturer, importer, or distributor; and the amount allocated or used for beer, wine, or spirits advertising by the

licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

**Sec. 2.** RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout RCW 66.20.310 through 66.20.350 unless the context clearly requires otherwise.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ~~((and)) 66.24.610, and section 1 of this act;~~

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 3.** RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There ~~((shall be))~~ is an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There ~~((shall be))~~ is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise ~~((shall))~~ must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued ~~((shall))~~ must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder ~~((shall))~~ must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit ~~((shall be))~~ is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ~~((and)) 66.24.610, and section 1 of this act~~ may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

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(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor (~~shall~~) must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363."

Senators Ericksen, Harper and Billig 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 Ericksen and others to Senate Bill No. 5607.

The motion by Senator Ericksen 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 "licenses;" strike the remainder of the title and insert "amending RCW 66.20.300 and 66.20.310; adding a new section to chapter 66.24 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Harper, the rules were suspended, Engrossed Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Harper and Hewitt 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. 5607.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Eide, Ericksen, Fain, Fraser, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Ranker, Rivers, Rolfes, Schlicher, Sheldon, Shin, Smith and Tom

Voting nay: Senators Dammeier, Darneille, Frockt, Hargrove, Holmquist Newbry, Honeyford, Kline, Mullet, Padden, Parlette, Pearson, Roach and Schoesler

ENGROSSED SENATE BILL NO. 5607, 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. 5227, by Senators Schoesler, Holmquist Newbry, Delvin, Hatfield, Shin, King, Hobbs, Sheldon, Padden, Honeyford, Dammeier and Roach

Changing the corporate officer provisions of the employment security act.

#### MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 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. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Conway 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. 5227.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Conway, Dammeier, Darneille, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Eide, Fraser, Frockt, Harper, Hasegawa, Kohl-Welles, Murray, Nelson and Rolfes

SUBSTITUTE SENATE BILL NO. 5227, 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. 5712, by Senators Kohl-Welles, Bailey, McAuliffe, Frockt, Murray, Baumgartner and Keiser

Encouraging community colleges to use, and inform students of the use of, multiple measures to determine the need for precollege courses.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Bailey 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. 5712.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5712 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. 5712, 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 4:09 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:39 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5157, by Senators Carrell, Pearson, Schoesler, Hill and Fain

Regulating provision of child care.

#### MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.215 RCW to read as follows:

If a provider is found by the department to have committed a willful or knowing act that is a violation of department rules regarding receiving subsidy payments, the department shall work with the provider to ensure they understand the rules regarding receiving subsidy payments. The second time the provider is found by the department to have committed a willful or knowing act that is a violation of department rules regarding receiving subsidy payments, the provider shall be prohibited from receiving any future subsidy payments. The department shall provide exempt providers a written copy of the department rules regarding receiving subsidy payments at initial licensure or at provider registration."

Senators Darneille and Carrell 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 Darneille to Substitute Senate Bill No. 5157.

The motion by Senator Darneille 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 "care;" strike the remainder of the title and insert "and adding a new section to chapter 43.215 RCW."

#### MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Carrell and Nelson 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. 5157.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5157 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. 5157, 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. 5207, by Senators Fain, Benton, Hobbs, Roach, Nelson, Mullet, Hatfield and Keiser

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Addressing the consumer loan act.

Senator Mullet spoke in favor of passage of the bill.

The measure was read the second time.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5620.

MOTION

ROLL CALL

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Senator Fain spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5207.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

ENGROSSED SENATE BILL NO. 5620, 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.

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

SECOND READING

SENATE BILL NO. 5563, by Senators Kohl-Welles, Litzow, Rolfes, Keiser, McAuliffe and Kline

SENATE BILL NO. 5207, 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.

Regarding training for school employees in the prevention of sexual abuse.

SECOND READING

MOTION

SENATE BILL NO. 5620, by Senators King and McAuliffe

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5563 was substituted for Senate Bill No. 5563 and the substitute bill was placed on the second reading and read the second time.

Changing school safety-related drills.

The measure was read the second time.

MOTION

MOTION

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

Senator Mullet moved that the following amendment by Senators Mullet and King be adopted:

Beginning on page 1, line 9, strike all of section 2 and insert the following:

On page 3, at the beginning of line 12, strike "four" and insert "three"

"**Sec. 2.** RCW 28A.410.035 and 1990 c 90 s 1 are each amended to read as follows:

On page 3, beginning on line 12, after "shelter-in-place," strike all material through "four" on line 13 and insert "~~((and six))~~ three"

To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse((:)); commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students((:)); discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse((:)); and methods for teaching students about abuse of all types and their prevention."

On page 3, line 13, after "code" insert ", and one other safety-related drill to be determined by the school"

Senators Mullet and King spoke in favor of adoption of the amendment.

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 Mullet and King on page 3, line 12 to Senate Bill No. 5620.

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

MOTION

POINT OF INQUIRY

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford: "Would the Senator from the Thirty-Sixth District yield to a question? As I read this it says 'To receive an initial certification as a teacher in this state after

August 31, 1991 the applicant shall have successfully competed' and on.' Is this going to be retroactive?"

Senator Kohl-Welles: "No, and that's not a new part of the legislation Senator Honeyford. The underlying part is what this amendment does. And so currently those individuals who are seeking to be certified school employees are required to have training and that's been in place since 1991. This amendment just adds an additional part to that training requirement."

Senator Honeyford: "So it's not retroactive?"

Senator Kohl-Welles: "No."

Senator Litzow 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 Litzow on page 1, line 9 to Substitute Senate Bill No. 5563.

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

#### MOTION

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

On page 1, line 2 of the title, after "RCW" strike all material through "RCW" on line 3 and insert "28A.410.035, 28A.300.145, and 28A.400.317"

#### MOTION

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

On page 2, after line 8, strike all of section 2.

On page 2, after line 8, insert:

"**Sec. 2.** RCW 28A.410.035 and 1990 c 90 s 1 are each amended to read as follows:

To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical ~~abuse~~; emotional ~~abuse~~; sexual ~~abuse~~; ~~commercial sexual abuse of a minor, as defined in RCW 9.68A.100~~; ~~sexual exploitation of a minor, as defined in RCW 9.68A.040~~; and substance ~~abuse~~; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of ~~abuse~~; and methods for teaching students about abuse of all types and their prevention."

On page 1, line 2 of the title, after "28A.300.145" strike "and" and insert ","

On page 1, line 2 of the title, after "28A.400.317" insert "and 28A.410.035"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senators Kohl-Welles and Litzow on page 2, line 8 to Substitute Senate Bill No. 5563 was withdrawn.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5563 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 declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5563.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5563 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. 5563, 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 6:10 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Wednesday, March 6, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate



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