

**FIFTY FOURTH DAY**

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MORNING SESSION

---

March 7, 2013

Senate Chamber, Olympia, Friday, March 8, 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 with the exception of Senator Nelson.

The Sergeant at Arms Color Guard consisting of Pages Jessica Linde and Holt Maki, presented the Colors. Pastor James Weldon of Minihaha Church of Christ Vancouver 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 7, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1934,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950,  
 SUBSTITUTE HOUSE BILL NO. 1968,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1035,  
 SUBSTITUTE HOUSE BILL NO. 1103,  
 HOUSE BILL NO. 1157,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1195,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,  
 HOUSE BILL NO. 1326,  
 SUBSTITUTE HOUSE BILL NO. 1327,  
 SUBSTITUTE HOUSE BILL NO. 1328,  
 HOUSE BILL NO. 1402,  
 HOUSE BILL NO. 1474,  
 HOUSE BILL NO. 1639,  
 SUBSTITUTE HOUSE BILL NO. 1740,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1194,  
 SUBSTITUTE HOUSE BILL NO. 1260,  
 ENGROSSED HOUSE BILL NO. 1267,  
 ENGROSSED HOUSE BILL NO. 1279,  
 SUBSTITUTE HOUSE BILL NO. 1324,  
 SUBSTITUTE HOUSE BILL NO. 1413,  
 HOUSE BILL NO. 1442,  
 HOUSE JOINT MEMORIAL NO. 4001,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

MOTION

Senator Schlicher moved adoption of the following resolution:

SENATE RESOLUTION

8634

By Senators Schlicher, Mullet, Cleveland, Conway, Darneille, Chase, Kline, Harper, Shin, McAuliffe, Hasegawa, Hatfield, Kohl-Welles, Keiser, Eide, Billig, Rolfes, Hargrove, Nelson, and Fraser

WHEREAS, U.S. Representative Norm Dicks worked consistently and tirelessly for the benefit of Washington state, especially the people of the 6th Congressional District, with great honor and distinction from 1977 to 2012; and

WHEREAS, The district that Representative Dicks' served included all of Clallam, Jefferson, Grays Harbor, and Mason counties and parts of Kitsap and Pierce counties; and

WHEREAS, Representative Dicks was born in 1940 in Bremerton and received his undergraduate degree in political science from the University of Washington, where he pledged Sigma Nu Fraternity, played as a linebacker and guard on the Huskies varsity football team, and also received his Juris Doctor; and

WHEREAS, Representative Dicks served from 1968 to 1976 as an aide to U.S. Senator Warren Magnuson, the only person who has represented the state of Washington for a longer period than Representative Dicks in the U.S. Congress; and

WHEREAS, Representative Dicks was elected to his first term in Congress with seventy-three point forty-eight percent of the vote and was appointed to the U.S. House Appropriations Committee in his first term; and

WHEREAS, Representative Dicks served on the Appropriations subcommittees for Defense, Military Construction, Veterans Affairs, Interior, Environment, and Related Agencies and also served for eight years on the U.S. House Intelligence Committee; and

WHEREAS, Representative Dicks stood tall in Congress as a defender of the environment, receiving many awards including the

Ansel Adams Conservation Award in 2008 from The Wilderness Society for work such as fostering the protection of the Puget Sound, working successfully to designate it as a participant in the National Estuary Program, and securing federal funding to study contamination in the Sound, including in Tacoma's Commencement Bay; and

WHEREAS, Representative Dicks worked with Senator Magnuson to pass legislation that bans oil supertankers from Puget Sound; and

WHEREAS, Representative Dicks subsequently cosponsored the original Superfund legislation and strongly promoted the cleanup of radioactive contamination at the Hanford Nuclear Reservation in Central Washington and made a major contribution to the restoration of endangered salmon runs, including removing two dams on the Elwha River and securing more than one billion dollars for the Pacific Coastal Salmon Recovery Fund; and

WHEREAS, Representative Dicks was a firm defender of America's national parks, working to restore funding for them, including supporting the construction of facilities for visitors at Washington state's three national parks and working to preserve the Endangered Species Act, while also obtaining federal aid for affected forest workers and timber communities; and

WHEREAS, Representative Dicks was a staunch supporter of military bases, military families, and defense-related industries in his district and in Washington state and played a critical role in the procurement process that resulted in The Boeing Company winning a thirty-five billion dollar Air Force tanker contract in 2011 that brings eleven thousand jobs to Washington state, worked with U.S. Senator Henry "Scoop" Jackson to build Madigan Army Medical Center, and worked with our congressional delegation to bring the C-17 Globemaster transport planes to Joint Base Lewis-McChord; and

WHEREAS, Representative Dicks championed federal aid for the revitalization of downtown Tacoma, helping restore historic Union Station as a federal courthouse, promoting construction of Interstate 705, advocating for his alma mater to establish a branch campus in the city, promoting the betterment of Bremerton, working with the Navy to build new housing, cochairing the effort to restore the Admiral Theater, supporting waterfront retail and recreational development, and backing the establishment of a passenger-only fast ferry route between Bremerton and Seattle; and

WHEREAS, Representative Dicks led the way to a major settlement with the Puyallup Tribe of Indians over land claims in Pierce county, introducing and passing the federal legislation and securing the federal funding necessary to enact and implement the agreement, clearing up uncertainty over important port, industrial, and residential property, and passing legislation necessary to move the Hoh and Quileute Tribes out of the tsunami zone; and

WHEREAS, Representative Dicks aided the growth of his alma mater, the University of Washington, into a world-class research institution with the support of federal medical and scientific research grants; and

WHEREAS, Representative Dicks served as an inspiration and mentor to numerous men and women who have followed him into public service; and

WHEREAS, Representative Dicks lives near Belfair on the shores of Hood Canal with his wife Suzie, where they have been the proud parents of two sons, Ryan and David, and welcomed their wives and grandchildren into their family; and

WHEREAS, Representative Dicks is an avid fisherman who looks forward in retirement to reeling in salmon from the waters of Neah Bay, Puget Sound, the Strait of Juan de Fuca, and off the coast of Washington state; and

WHEREAS, The Washington state congressional delegation will not be the same without him and he will be sorely missed by his constituents;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington celebrates and commemorates the grand and distinguished legislative, civic, and athletic career of U.S. Representative Norman DeValois "Norm" Dicks; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to U.S. Representative Norm Dicks and members of his family.

Senators Schlicher, Ranker, Sheldon, Fraser, Conway, Parlette, Darneille, Shin, Dammeier and Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

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

#### REMARKS BY THE PRESIDENT

President Owen: "Everybody's telling stories on Norm, well he's a hard core fisherman, I think you might all know. And I've had the privilege fishing with him many times. When we fish, we have a process where you decide whether you're going to take turns when the fish hit; doesn't matter which pole their on or whether you're going to each guard your own rod so I, asked Norm and Norm said 'Well, you just watch your own rod.' So, by the time I had the third fish and he had none he said, 'You know we should be taking turns.' That's a true story by the way."

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Norm Dicks family, wife, Susie, sons Ryan and David who were seated in the gallery.

#### REMARKS BY US CONGRESSMAN NORM DICKS

Norm Dicks: "Thank you Mr. President, Nathan, Jeannie and all of you for presenting this resolution. I love the state of Washington and it's been an honor to serve for forty-four years, eight years with Senator Magnuson and thirty-six years in the House of Representatives. The only other time I was here was with my good friend Joel Pritchard when he was President of the Senate. Joel and I worked together on a bi-partisan basis and I just want to say one thing today. It is so important, both in Washington D. C. and here in Olympia, that we work together. Once the elections over you got to work in the best interest of the people of this state and I have always believed that. Last year in the House of Representatives Chairman Rogers and I, we passed eleven appropriations bills through the committee, regular order, record votes. We wanted to prove that Congress could still work. Now that task has been left to others this year and we have some great new people from our state: Derek Kilmer; Denny Heck; Susan DelBene. We have a great delegation led by Senator Murray and Senator Cantwell. So, I just want to thank the people who did all the work, presented the resolution. Nathan, I wish you the best. And again it has been a wonderful honor to serve the people of this state and we look forward to our retirement but we're still going to be active in trying to move forward on Puget Sound, Hood Canal and the major issues. We're going to take care of that National Park over there in Eastern Washington. Again, I just want to thank you for this resolution. Want to thank my family, my wife Suzie, Ryan and David. Kathy Callison is a relative of ours that is here today and all my friends and my staff. I've had a great staff and you can't get this done without good people surrounding you. Tim Thompson, Tom Luis, Kirk Becket are here today, Sarah Crumb and Joe Daccaa and another great friend, Ralph Munro, our Secretary of State. He and I have

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always had a bi-partisan relationship. We work together on important issues facing our state. Again, I just hope it will be a message that good people can work together to get things done for Washington State. Thank you.”

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1017 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Morris, Fitzgibbon, Fey, Lias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove and Pollet)

AN ACT Relating to creating new efficiency standards; amending RCW 19.260.030, 19.260.040, 19.260.050, and 19.27.170; and reenacting and amending RCW 19.260.020.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1027 by House Committee on Judiciary (originally sponsored by Representatives Moeller and Appleton)

AN ACT Relating to implementing changes to child support based on the child support schedule work group report; amending RCW 26.19.011, 26.19.020, 26.19.065, 26.19.075, and 26.19.090; adding a new section to chapter 26.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 1071 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

AN ACT Relating to state and private partnerships for managing salmonid hatcheries; amending RCW 77.95.320; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SHB 1075 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Blake, Chandler, Haigh and Morris)

AN ACT Relating to the number of Puget Sound Dungeness crab fishery licenses that one vessel may be designated to carry; and amending RCW 77.65.100 and 77.65.130.

Referred to Committee on Natural Resources & Parks.

HB 1112 by Representatives Short, Upthegrove, Springer, Pollet, Taylor, Zeiger and Wilcox

AN ACT Relating to standards for the use of science to support public policy; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

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SHB 1140 by House Committee on Judiciary (originally sponsored by Representatives Roberts, Pedersen, Moscoso, Reykdal, Rodne, Appleton, Kagi, Walsh, Warnick, Ryu, Jinkins, Freeman and Fagan)

AN ACT Relating to sibling visitation after a dependency has been dismissed or concluded; adding a new section to chapter 26.10 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1141 by House Committee on Capital Budget (originally sponsored by Representatives Smith, Tharinger, Short, Hunt, Stanford, Warnick and Ryu)

AN ACT Relating to establishing a water pollution control revolving loan administration charge; amending RCW 90.50A.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 90.50A RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

HB 1154 by Representatives Upthegrove and Ryu

AN ACT Relating to modifying the definition of nonpower attributes in the energy independence act; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1172 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hurst and Dahlquist)

AN ACT Relating to children of family day care providers; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

ESHB 1199 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Chandler, Takko, Buys, Kirby, Orcutt, Lytton, Van De Wege, Nealey, Hudgins, Stanford, Wilcox, Warnick, Ryu, Morrell and Tharinger)

AN ACT Relating to ensuring hunter safety; amending RCW 77.32.155; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

HB 1218 by Representatives Takko, Klippert, Blake, Orcutt, Kirby, Buys, Lytton, Goodman, Kretz, Van De Wege, Nealey, Hudgins, Wilcox, Stanford, Short, Warnick, Haigh and Ryu

AN ACT Relating to department of fish and wildlife license suspensions; and amending RCW 77.15.670.

Referred to Committee on Natural Resources & Parks.

HB 1227 by Representatives Hunt and Reykdal

AN ACT Relating to cost savings and efficiencies in mailing notices of possible license suspension for noncompliance with child support orders; and amending RCW 74.20A.320.

Referred to Committee on Law & Justice.

HB 1243 by Representatives Haigh, MacEwen, Blake, Sullivan, Orcutt, Ryu, Maxwell, Upthegrove, Lytton, Van De Wege, Kretz and Warnick

AN ACT Relating to expiration dates affecting the department of natural resources' timber sale program; amending 2009 c 418 s 7 (uncodified); amending 2010 c 126 ss 15 and 16 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SHB 1244 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Orcutt, Ryu, Warnick, Maxwell, Blake, Upthegrove, Lytton, MacEwen, Van De Wege, Haigh and Tharinger)

AN ACT Relating to clarifying the department of natural resources' authority to enter into cooperative agreements; and amending RCW 79.10.130.

Referred to Committee on Natural Resources & Parks.

SHB 1261 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hope and Santos)

AN ACT Relating to the provision of short-term emergency and crisis care for children removed from their homes; amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1285 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Freeman, Pettigrew, Jinkins, Walsh, Kirby, Orwall, Roberts, Appleton, Seaquist, Ryu, Stanford, Clibborn, Maxwell, Tarleton, Morrell, Pollet and Ormsby)

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

Referred to Committee on Ways & Means.

ESHB 1294 by House Committee on Environment (originally sponsored by Representatives Van De Wege, Hudgins, Pollet, Maxwell, Hunt, Upthegrove, Tharinger, Fey, Farrell, Moscoso, Hunter, Stanford, Reykdal, Fitzgibbon, Bergquist, Tarleton, Goodman, Kagi, Hansen, Jinkins, Habib, Pedersen, Ryu, Liias, Riccelli, Roberts, Morrell, Clibborn and Ormsby)

AN ACT Relating to flame retardants; amending RCW 70.240.020 and 70.240.010; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1309 by House Committee on Environment (originally sponsored by Representatives Upthegrove, Short, Magendanz, Nealey, Morris, Walsh, Takko, McCoy, Liias, Springer, Pollet and Kagi)

AN ACT Relating to directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate; and amending RCW 70.93.020, 70.93.180, and 70.93.200.

Referred to Committee on Ways & Means.

SHB 1323 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Morris, Blake and Takko)

AN ACT Relating to the sea cucumber dive fishery; and amending RCW 77.70.190, 82.27.020, and 82.27.070.

Referred to Committee on Natural Resources & Parks.

ESHB 1364 by House Committee on Environment (originally sponsored by Representatives Tharinger, Zeiger, Moscoso, Crouse, Liias, McCoy, Fitzgibbon, Upthegrove, Maxwell, Morrell, Pollet and Fey)

AN ACT Relating to adopting the Washington small rechargeable battery stewardship act; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1419 by Representatives Warnick and Manweller

AN ACT Relating to the Washington state horse park authority; amending RCW 79A.30.030; and creating a new section.

Referred to Committee on Natural Resources & Parks.

ESHB 1448 by House Committee on Health Care & Wellness (originally sponsored by Representatives Bergquist, Ross, Cody, Harris, Green, Rodne, Tharinger, Johnson, Manweller, Magendanz and Morrell)

AN ACT Relating to telemedicine; amending RCW 70.41.020 and 70.41.230; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care.

ESHB 1496 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, McCoy, Hunt, Appleton, Santos, Liias, Riccelli, Dunshee, Stanford, Ormsby and Pollet)

AN ACT Relating to hunting-related enforcement actions involving tribal members; amending RCW 77.04.055 and 77.15.075; adding a new section to chapter 77.15 RCW; and adding a new section to chapter 43.10 RCW.

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Referred to Committee on Natural Resources & Parks.

SHB 1498 by House Committee on Environment (originally sponsored by Representatives Uptegrove, Short and Ryu)

AN ACT Relating to improving reports on electronic waste collection; and amending RCW 70.95N.140.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1524 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Clibborn, Goodman, Maxwell, Kagi, Orwall, Appleton, Ryu, Ormsby, Jinkins, Fey and Bergquist)

AN ACT Relating to juvenile mental health diversion and disposition strategies; amending RCW 13.40.070, 13.40.080, and 13.40.127; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1525 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Pedersen, Goodman, Hunt, Roberts, Uptegrove, Ryu and Jinkins)

AN ACT Relating to birth certificates and other birth-related information; amending RCW 26.33.330, 26.33.340, 26.33.345, 26.33.020, 70.58.080, 70.58.055, 70.58.095, and 70.58.104; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Human Services & Corrections.

HB 1547 by Representatives Walsh, Kagi, Freeman, Fey, Zeiger, Ryu, Morrell, Roberts, Moscoso and Santos

AN ACT Relating to an entity that provides drop-in educational or recreational programming for school-aged children; and reenacting and amending RCW 43.215.010.

Referred to Committee on Human Services & Corrections.

E2SHB 1563 by House Committee on Capital Budget (originally sponsored by Representatives Farrell, Wylie, McCoy, Orwall, Seaquist, Bergquist, Springer, Pedersen, O'Ban, Kochmar, Moeller, Fitzgibbon, Appleton, Ryu, Stanford, Maxwell, Jinkins, Hunt, Fey, Pollet, Goodman, Habib and Santos)

AN ACT Relating to the disposition of surplus property for the development of affordable housing; amending RCW 47.12.063, 79.11.005, 79A.05.170, 79A.05.175, 81.112.080, 36.34.135, and 39.102.020; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; adding a new chapter to Title 39 RCW; and repealing RCW 43.19.19201, 43.20A.037, 43.63A.510, 47.12.064, and 72.09.055.

Referred to Committee on Transportation.

SHB 1574 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Ryu and Pollet)

AN ACT Relating to investigative costs for residential services and supports programs; adding new sections to chapter 71A.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1594 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Sawyer, Roberts, Zeiger, Walsh, Kagi, Fey, Ryu, Freeman, Appleton, Moscoso and Ormsby)

AN ACT Relating to interviewing children in child protective services investigations; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 1631 by Representatives Tharinger, Johnson, Green, Harris, Cody, Riccelli, Jinkins, Morrell, Appleton, Hope, Maxwell, Pollet, Moscoso, Santos and Ryu

AN ACT Relating to enacting planning measures to provide for the future long-term care services and supports needs of the aging population; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 1651 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Walsh, Freeman, Roberts, Farrell, Zeiger, Goodman, Pollet, Sawyer, Appleton, Bergquist, Hunt, Moscoso, Jinkins, Ryu and Morrell)

AN ACT Relating to access to juvenile records; amending RCW 13.50.050 and 10.97.050; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 1652 by House Committee on Local Government (originally sponsored by Representatives Liias, Dahlquist, Takko, Kretz, Clibborn, Condotta, Uptegrove, Springer, Buys and Ryu)

AN ACT Relating to establishing a process for the payment of impact fees through provisions stipulated in recorded covenants; amending RCW 82.02.050 and 36.70A.070; and providing an effective date.

Referred to Committee on Governmental Operations.

2SHB 1663 by House Committee on Finance (originally sponsored by Representatives Tharinger, Nealey, Van De Wege, Johnson, Takko, Blake, Haigh, Kretz, Fey, Hayes, Short, Crouse and Ryu)

AN ACT Relating to extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel; amending RCW 82.08.956 and 82.12.956; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.136 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

2SHB 1671 by House Committee on Appropriations (originally sponsored by Representatives Farrell, Walsh, Kagi, Green, Sullivan, Jinkins, Pettigrew, Hunt, Ormsby, Stonier, Fitzgibbon, Goodman, Cody, Morrell, Maxwell, Appleton, Wylie, Orwall, Reykdal, Freeman, Riccelli, Fey, Tarleton, Ryu, Pollet, Bergquist and Santos)

AN ACT Relating to child care reform; reenacting and amending RCW 43.215.010; adding new sections to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

ESHB 1675 by House Committee on Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, Pedersen, Farrell, Kagi, Freeman and Ryu)

AN ACT Relating to improving the adoption process; amending RCW 26.33.190, 26.33.200, 26.33.300, and 43.06A.030; reenacting and amending RCW 74.15.030; and creating a new section.

Referred to Committee on Human Services & Corrections.

EHB 1677 by Representatives Klippert, Morrell, Hope, Cody, Nealey, Walsh, Fagan and Ryu

AN ACT Relating to operators of multiple adult family homes; and amending RCW 70.128.065.

Referred to Committee on Health Care.

2SHB 1723 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Farrell, Maxwell, Roberts, Freeman, Goodman, Sawyer, Sullivan, Jinkins, Seaquist, Lytton, Haigh, Hunter, Morrell, Sells, Ryu, Morris, McCoy, Reykdal, Tarleton, Tharinger, Pollet, Fey, Moscoso, Bergquist, Ormsby and Santos)

AN ACT Relating to expanding and streamlining early learning services and programs; amending RCW 43.215.100, 43.215.430, and 43.215.545; reenacting and amending RCW 43.215.010 and 43.215.020; reenacting RCW 43.215.135; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1724 by Representatives Roberts, Kagi, Pettigrew, Goodman, Green, Reykdal, Cody, Jinkins, Appleton, Freeman, Moeller, Ryu, Pollet, Moscoso and Bergquist

AN ACT Relating to statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment; and amending RCW 13.40.020 and 13.40.140.

Referred to Committee on Human Services & Corrections.

2SHB 1764 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Stanford, Blake, Appleton and Dunshee)

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; reenacting and amending RCW 79.135.210; adding a new section to chapter 77.65 RCW; adding new sections to chapter 43.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1821 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman and Santos)

AN ACT Relating to good cause exceptions during permanency hearings; and amending RCW 13.34.145.

Referred to Committee on Ways & Means.

SHB 1886 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chandler and Haigh)

AN ACT Relating to the recoverable costs of the department of agriculture under chapter 16.36 RCW; and amending RCW 16.36.025.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 1889 by House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Chandler and Blake)

AN ACT Relating to the fruit and vegetable district fund; amending RCW 15.17.247; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1896 by Representatives Lytton, Chandler, Blake, MacEwen and Wilcox

AN ACT Relating to enhancing compliance with the responsibilities of fishing guides; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1574 which was referred to the Committee on Health Care.

#### MOTION

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

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SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Chase, McAuliffe, Nelson, Kohl-Welles, Conway and Parlette

Promoting the use of the Eddie Eagle GunSafe Program in preschools, early learning programs, and schools.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Chase, Schoesler, Roach, Becker, Benton, Carrell and Kline spoke in favor of passage of the memorial.

Senator Frockt spoke against passage of the memorial.

Senator Murray spoke on final passage of the bill.

POINT OF ORDER

Senator Sheldon: "Mr. President, I believe the rules of the Senate direct us to speak only to the bill or memorial that is before us and not about other bills that may have different status."

REPLY BY THE PRESIDENT

President Owen: "That is correct Senator Sheldon. The rules do require that you speak to the measure before you and only to the measure before you. Senator."

Senator Hasegawa spoke against passage of the bill.

MOTION

Senator Hatfield demanded that the previous question be put. The President declared that at least two additional senators joined the demand and the demand was sustained.

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

The demand by Senator Hatfield that the previous question be put carried by voice vote.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the memorial passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

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

Voting nay: Senators Billig, Darneille, Frockt, Hasegawa, Kline, Murray, Ranker and Rolfes

Excused: Senator Nelson

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 8, 2013."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through March 8, 2013 by voice vote.

The Senate resumed consideration of Substitute Senate Bill No. 5577 which had been deferred and held on second reading calendar March 7, 2013.

MOTION

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

On page 10, beginning on line 31, strike "provided in chapter 42.40 RCW" and insert "afforded to a whistleblower under RCW 42.40.050 and 49.60.210(2), subject to the limitations of RCW 42.40.910"

On page 10, line 35, after "if the" strike "auditor" and insert "ethics board"

On page 13, beginning on line 23, strike all of section 11

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Carrell and Darneille 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 Carrell and Darneille on page 10, line 31 to Substitute Senate Bill No. 5577.

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

MOTION

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

On page 1, line 4 of the title, after "42.52 RCW;" strike "adding new sections" and insert "adding a new section"

MOTION

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

On page 11, beginning on line 11, after "complaint" strike everything through "RCW" on line 15 and insert ". If the investigating ethics board discovers other potential ethics violations during the course of its investigation, it may file a new ethics complaint"

Senators Honeyford and Darneille spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Carrell on page 11, line 11 to Substitute Senate Bill No. 5577.

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

#### MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hargrove and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, 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. 5641, by Senators Bailey, Carrell and Pearson

Requiring the governor's signature on significant legislative rules.

The measure was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Becker spoke in favor of passage of the bill.

Senators Hasegawa and Fraser spoke against passage of the bill.

Senator Kline spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5641.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Hargrove

SENATE BILL NO. 5641, 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. 5747, by Senator Roach

Concerning the election of public hospital district boards of commissioners.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa 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. 5747.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5747 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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, Murray and Nelson

SENATE BILL NO. 5747, 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. 5540, by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt

Expanding opportunities to purchase health care coverage from out-of-state carriers.

#### MOTIONS

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On motion of Senator Parlette, Second Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5540.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5540 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

SECOND SUBSTITUTE SENATE BILL NO. 5540, 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. 5213, by Senators Becker, Tom, Bailey, Honeyford and Frockt

Concerning prescription review for medicaid managed care enrollees.

#### MOTIONS

On motion of Senator Becker, Second Substitute Senate Bill No. 5213 was substituted for Senate Bill No. 5213 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Second Substitute Senate Bill No. 5213 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 Second Substitute Senate Bill No. 5213.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5213 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,

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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 SUBSTITUTE SENATE BILL NO. 5213, 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. 5045, by Senators Keiser, Honeyford, Kohl-Welles and Frockt

Allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5045 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 Substitute Senate Bill No. 5045.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Carrell, Dammeier, Darneille, Hargrove, Holmquist Newbry, Padden and Pearson

SUBSTITUTE SENATE BILL NO. 5045, 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. 5297, by Senators Braun, Ericksen and Carrell

Concerning coal transition power.

The measure was read the second time.

#### MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5297 was advanced to third reading, the second

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

Senator Braun 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. 5297.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5297 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, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Hasegawa, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Darneille, Eide, Frockt, Hargrove, Harper, Hill, Kohl-Welles, McAuliffe, Murray and Nelson

SENATE BILL NO. 5297, 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 12:03 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 2:05 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5754, by Senators Litzow, McAuliffe, Kohl-Welles, Conway and Kline

Concerning integrated career learning opportunities and employment training for at-risk youth.

#### MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 5754 was substituted for Senate Bill No. 5754 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 5754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, McAuliffe 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. 5754.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5754 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, 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, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Becker, Dammeier and Padden  
SUBSTITUTE SENATE BILL NO. 5754, 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. 5761, by Senators King and Hobbs

Concerning outdoor advertising sign fees, labels, and prohibitions.

#### MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5761 was substituted for Senate Bill No. 5761 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide 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. 5761.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Benton, Hatfield, Holmquist Newbry, Honeyford, Padden and Roach

SUBSTITUTE SENATE BILL NO. 5761, 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. 5187, by Senators Smith, Becker, Roach, Schoesler and Honeyford

Protecting livestock against predator attacks. Revised for 1st Substitute: Protecting domestic animals against gray wolf attacks.

#### MOTION

On motion of Senator Smith, Substitute Senate Bill No. 5187 was substituted for Senate Bill No. 5187 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 2, line 11, after "animals" strike all material through "permission" and insert "with a permit issued by the department. The department may only issue such a permit after the department has confirmed that livestock or other domestic animals have previously been killed or injured in the area and that preventative or nonlethal control measures have been implemented and proven ineffective"

Senator Ranker spoke in favor of adoption of the amendment.

Senators Schoesler and Smith spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 2, line 11 to Substitute Senate Bill No. 5187.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

#### MOTION

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

On page 2, line 11, after "permission" insert "where the owner has a cooperative agreement currently in effect with the department that includes, at minimum, nonlethal wolf management measures to be taken by the owner and information, assistance, or cost-sharing measures to be provided by the department"

Senators Ranker and Rolfes spoke in favor of adoption of the amendment.

Senator Smith spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 2, line 11 to Substitute Senate Bill No. 5187.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

#### MOTION

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

On page 2, strike all material from ", and not" on line 14 through "found" on line 17 and insert "on private land. However, the term "owner" refers to the owner of a domestic animal that is a pet animal, as defined under RCW 9.08.065, being attacked or threatened on private or public land"

Renumber the remaining sections consecutively and correct any internal references accordingly.

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

Senator Smith spoke against adoption of the amendment.

#### POINT OF ORDER

Senator Frockt: "Mr. President, I would just respectfully request that obviously a very vigorous and controversy issue that members refrain from impugning motives and characterization of others' positions on this matter or others. Mr. President, thank you."

#### REPLY BY THE PRESIDENT

President Owen: "Thank you. The President would remind members that rules require that you speak to the issue at hand and

not to the motives or the people involved in the, the members involved I might add Senator Frockt. That refers to the members.

outside the members of this body, that's a different story but the President would remind you that the rules are very strict in that area and be cautious about how you craft your remarks."

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

Senators Pearson and Parlette spoke against adoption of the amendment.

Senator Billig demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 2, line 14, to Substitute Senate Bill No. 5187.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Billig and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

#### MOTION

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

On page 6, after 21, insert the following:

**"NEW SECTION. Sec. 7.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 3 of the title, after "new section;" strike "and prescribing penalties." and insert "prescribing penalties; and providing for submission of this act to a vote of the people."

Senators Ranker and Frockt spoke in favor of adoption of the amendment.

Senators Smith, Sheldon and Schoesler spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 6, after line 21 to Substitute Senate Bill No. 5187.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Smith, the rules were suspended, Substitute Senate Bill No. 5187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Smith, Carrell, Parlette and Pearson spoke in favor of passage of the bill.

Senators Rolfes and Ranker spoke against passage of the bill. Senator Kline spoke on final passage of the bill.

#### MOTION

On motion of Senator Rivers, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5187.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5187 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Chase, Dammeier, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Smith

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Harper, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senator Tom

SUBSTITUTE SENATE BILL NO. 5187, 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.

#### PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. I am rising just to remind everybody here that today there's a celebration of International Women's Day. We know that it began in the early 1900s in various forms around the world. It's been over a hundred years and we can recognize that there's been a great deal of accomplishments for women in our country and in our state and in the world, since then but there are remaining challenges facing women in our society. National Women's Day was first celebrated in 1909 in the United States and in 1911 a new International Women's Day was celebrated in parts of Europe. However, it was just a week later that in New York City the tragedy that's been known as the Triangle Fire occurred in which one hundred forty women, who were locked in a factory in New York City, perished because they could not escape the fire. They were primarily Italian and Jewish immigrants. There have been different forms of International Women's Day over the last one hundred years in many different countries but in our own country starting in 1981 the United States Congress determined that the week of March 8 would be National Women's History Week and 1987 Congress determined that March would be National Women's History Month. We have challenges. We have accomplishments. Around the world ninety-one countries have greater representation in their parliaments or national assemblies or congresses than we do. We rank seventy seventh in the world. So, I'd like to celebrate this day. Every day we take a lot of it for granted but we know that historically there were enormous efforts with loss of life, women being arrested for protesting that they did not have the right to vote until 1920 in the United States. Thank you."

#### MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5187 was immediately transmitted to the House of Representatives.

#### PERSONAL PRIVILEGE

Senator Keiser: "I also want to acknowledge that this is a day for paying attention to the status of women around the world. I think it's important for us to realize that the status for women in our country is not going forward. In fact, the wage gap between men's and women's wages has actually widened in the last year. It has dropped by a percentage point. In addition, a very concerning health development has occurred in the last few years. Women's longevity is actually dropping in our country. For women under the age of seventy five, the report from the Center for Disease Control now shows that longevity has been reduced in forty three percent of all of the counties in our country. This is a huge reversal in the progress that we had made in both wage gains and health gains and it's a concern. We need to look at what is causing this trend backwards because that's not the way for the future. We should not be having lives that are shorter. We should not be having pay checks that are smaller. It's time to turn around that trend. So, please keep that in mind as we celebrate International Women's Day."

#### PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I would like to offer a few remarks on the occasion of International Women's Day. We are very fortunate to live in America, in the United States of America. Every woman and ever man is very fortunate to live here but on the occasion on a day like this it's worth reflecting on why is it so controversial for women to be alive and live normal lives in so many parts of the world. We've made huge, in terms of our own country, we've made huge advances in the last century but in some other parts of the world, women do not have the right to inherit from their deceased husband and maybe the rest of the family will come in and just take everything and leave her destitute. In many parts of the world, women, girls lack opportunity for education. They lack opportunity for health care. They suffer from institutionally sanctioned violence from which there is really no escape. They often have a lack of job and business opportunities. In some countries they're virtually confined to their homes, can't get around their own communities. In some countries they're prohibited from driving. It's like why is all of this? In the United States, yes, we have lots left to do but we remain a beacon of hope, a beacon of opportunity for so many people around the world. And I think as Americans we should think about the status of women who live with so many troubles in so many parts of the world and we should encourage our, through all the resources that we have, to help and assist and provide models and above all assist in helping women around the world have better living conditions where they need them. Thank you."

#### PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President, I appreciate asking me to take the floor for a second. I wanted to thank Senator Fraser for bringing this forward and I want to thank Senator Kohl-Welles for bringing this forward and thank Senator Fraser for speaking so eloquently about it. I agree with the comments. I'm glad to see it in front of us. America is the greatest land in the world and we have a great obligation that goes with that. If you're women or men, we need to be looking at what's happening in the rest of the world. And I think a lot of us try to do that. I wanted to report, to let Senator Fraser know and others, last November I

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was in Zambia and while there met with the women in Parliament; Believe me, there aren't very many. There are just a few and once they get elected, they never get re-elected. Don't know why. They have six year terms. There are reasons for it. I met with women's group and I will be leading a group of women to Zambia within the next year to help them realize how the future can be for them and for Zambia. But, right now, if you're a women in Zambia you can't own property. You can't own any property. You can't own land. You can't own a car. And so imagine, if you're a man in Parliament and you vote to reverse that, do you think you would get re-elected the next time? Probably not. Every man who wouldn't probably like that is not going to vote for you. So, it's politically very difficult to change that custom. And Zambia is just one country around the world where women do not have the same rights let alone some of the atrocities that are done to women just because they are women. And all the trafficking that we've been talking about here and so forth. But even little things, seemingly little things to us, to be able to inherit something. You know? If you're in a family with all girls nothing comes your way. It goes to a distant cousin. So I wanted to thank everyone for this, International Women's Year is an important thing. And I can remember, by the way Senator Fraser, years ago going to the IWY in Houston, I think that was like 1977. Maybe didn't share a lot of similar views at that time but as we've all grown, in these issues we certainly agree. Thank you Mr. President."

MOTION

Senator Fain moved that the Senate be at ease subject to the call of the President for the purposes of caucuses.

Hearing an objection, the President declared the question before the Senate to be the motion by Senator Fain that the Senate be at ease subject to the call of the President. The motion by Senator Fain carried by voice vote and at 3:21 p.m., the Senate was declared to be at ease subject to the call of the President.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I want to share something really special with the members of the Senate today. This evening I will be leaving to fly across the country for my father's wedding. He's been with his partner, Sean, for eighteen years and due to the courage of the people of New York and Washington State and Connecticut and Iowa and Maine and Maryland, and Massachusetts and New Hampshire and Vermont and Washington D. C., all loving couples now have the right to be married in those states. Last year we passed historic legislation out of this body and we had an incredibly respectful dialogue when we did so. I want to thank you all again for that and I want to share with the absolute wonderful experience that I am going to have this weekend getting to see my father say, do' to his partner Sean. Thank you."

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8402 by Senators Fain and Frockt

Amending the cutoff resolution.

MOTION

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8402 was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Fain and Frockt

Amending the cutoff resolution.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Frockt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8402.

SENATE CONCURRENT RESOLUTION NO. 8402 was adopted on third reading by voice vote.

SECOND READING

SENATE BILL NO. 5565, by Senators Hargrove, Carrell, Keiser, Harper, Nelson, Kohl-Welles, McAuliffe and Kline

Concerning background checks for individuals seeking a license under chapter 74.13 RCW or unsupervised access to children.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5565 was substituted for Senate Bill No. 5565 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565 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, 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

Excused: Senator Holmquist Newbry

SUBSTITUTE SENATE BILL NO. 5565, 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. 5256, by Senators Padden and Baumgartner

Concerning the confidentiality of certain autopsy and postmortem reports and records.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 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. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator 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. 5256.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256 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, 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

Excused: Senator Holmquist Newbry

SUBSTITUTE SENATE BILL NO. 5256, 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. 5337, by Senators Pearson, Fraser, Hargrove, Nelson, Smith, Fain, Kline, Hobbs, Shin, Tom and Parlette

Modifying expiration dates affecting the department of natural resources' timber sale program.

The measure was read the second time.

#### MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Rolfes 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. 5337.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5337 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, 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

Excused: Senator Holmquist Newbry

SENATE BILL NO. 5337, 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. 5476, by Senators Hewitt, Keiser, Conway and Holmquist Newbry

Clarifying the employment status of independent contractors in the news business.

The measure was read the second time.

#### MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Conway 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. 5476.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5476 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, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

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

Excused: Senator Holmquist Newbry

SENATE BILL NO. 5476, 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. 5715, by Senators Hill, Carrell and Hargrove

Addressing the evasion of taxes by the use of certain electronic means.

The measure was read the second time.

#### MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Nelson 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. 5715.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5715 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. 5715, 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. 5860, by Senators Padden and Kline

Addressing legal proceedings by the attorney general on behalf of superior court judges.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following amendment by Senators Padden and Kline be adopted:

On page 1, line 14, after "2.56 RCW" and before the semicolon, insert ". In such an action on behalf of superior court judges, one half of the attorneys' fees and costs shall be borne by the administrator for the courts and one half shall be borne by the attorney general"

On page 2, after line 24, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 2.08 RCW to read as follows:

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No legal action may be brought by a superior court judge or judges against the state or a county until ninety days have elapsed after the claim has been filed with the attorney general or county prosecuting attorney, as the case may be. For the period of one hundred twenty days following the filing of such a suit, the parties must engage in mediation or other form of alternative dispute resolution to resolve the suit."

Senators Padden and Kline 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 Padden and Kline on page 1, line 14 to Senate Bill No. 5860.

The motion by Senator Padden 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, strike "and"

On page 1, line 2 of the title, after "43.10.030" insert "; and adding a new section to chapter 2.08 RCW"

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Hargrove 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. 5860.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5860 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, 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

Voting nay: Senators Frockt and Harper

ENGROSSED SENATE BILL NO. 5860, 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. 5324, by Senators Honeyford, Fraser and Ericksen

Concerning mosquito abatement in storm water control retention ponds.

#### MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5324 was substituted for Senate Bill No. 5324 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

(1) A county, city, town, water-sewer district, or flood control zone district constructing, improving, operating, or maintaining storm water control facilities under chapter 35.67, 35.92, 36.89, 36.94, 57.08, or 86.15 RCW that include storm water retention ponds, also known as wet ponds, wet retention ponds, or wet extended detention ponds, as part of a storm water control facility for which the primary function of the pond is to detain storm water, must:

(a) Consider and to the extent possible consistent with department design guidelines, and without compromising the intended function of the storm water retention pond, construct storm water facilities to maintain and control vegetation to minimize mosquito propagation;

(b) Consult with the local mosquito control district, where established, in the development of construction plans that include storm water retention ponds; and

(c) Provide for maintenance and control of vegetation growth in storm water retention ponds to reduce mosquito habitat and inhibit mosquito propagation.

(2) A county, city, town, water-sewer district, or flood control zone district operating or maintaining storm water control facilities must, except where mosquito control districts are established, when notified by the department of health or a local health jurisdiction of the positive identification of west Nile virus or other mosquito-borne human disease viruses in mosquitoes, birds, or mammals, including humans, consult with the department of health or a mosquito control district concerning which integrated pest management strategies, as defined under chapter 17.15 RCW, for mosquito control or abatement in storm water retention ponds would be most effective to prevent the spread of the disease.

(3) Where a mosquito control district is established, when notified by the department of health or a local health jurisdiction of the positive identification of west Nile virus or other mosquito-borne human disease viruses in mosquitoes, birds, or mammals, including humans, the mosquito control district is responsible for mosquito control or abatement in storm water retention ponds."

Senator Honeyford 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 Honeyford to Substitute Senate Bill No. 5324.

The motion by Senator Honeyford 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 "ponds;" strike the remainder of the title and insert "and adding a new section to chapter 90.03 RCW."

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Fraser 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. 5324.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5324 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. 5324, 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. 5135, by Senators Pearson, Kline and Padden

Concerning judicial proceedings and forms.

#### MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson 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. 5135.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5135 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. 5135, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5663, by Senators Pearson, Ranker, Tom, Rolfes, Hewitt, Sheldon, Hatfield, Bailey, Parlette, Kline and Roach

Regarding derelict and abandoned vessels in state waters.

MOTION

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.640 and 2012 c 74 s 16 are each amended to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees and surcharge:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	\$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
(i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
(j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
(k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
(l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
(m) Title application	\$5.00	RCW 88.02.515	General fund
(n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
(o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)~~((a))~~ The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

~~((b))~~ (a) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

~~((c))~~ (b) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;

~~((d))~~ (c) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

On motion of Senator Pearson, Substitute Senate Bill No. 5663 was substituted for Senate Bill No. 5663 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pearson moved that the following striking amendment by Senators Pearson, Hargrove and Rolfes be adopted:

~~((iv))~~ (d) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

~~((b))~~ (b) If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in ~~(a)(iv)~~ (a)(iv) of this subsection must be suspended for the following fiscal year.)

(4) ~~((Until January 1, 2014))~~ In addition to other fees required in this section, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge~~(=~~

~~((a))~~ is to address the significant backlog of derelict vessels

accumulated in Washington ((state)) waters that pose a threat to the health and safety of the people and to the environment((~~;~~ — (b) Is to be used only for the removal of vessels that are less than seventy-five feet in length;)) and

((~~e~~)) must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

**Sec. 2.** RCW 79.100.100 and 2010 c 161 s 1161 are each amended to read as follows:

(1)(a) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.640 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under RCW 88.02.640(4), as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter.

(b) Moneys in the account may only be spent after appropriation. Expenditures from the account ((~~must~~)) may only be used by the department for developing and administering the vessel turn-in program created in section 40 of this act and to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, or any other person or entity that has incurred secondary liability under section 36 of this act, regardless of the title of owner of the vessel.

(c) Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 must be used to reimburse one

hundred percent of ((~~these~~)) costs and should be prioritized for the removal of large vessels.

(d) Costs associated with the removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account.

(e) In each biennium, up to twenty percent of the expenditures from the derelict vessel removal account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) ((~~If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.640(5), the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.~~ — (3)) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

((~~4~~)) (3) The department must keep all authorized public entities ((~~apprized~~)) apprised of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection ((~~4~~)) (3) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

((~~5~~)) (4) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

((~~6~~)) (5) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

**Sec. 3.** RCW 79A.65.020 and 2002 c 286 s 21 are each amended to read as follows:

(1) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, and locks, or removal from the water, to secure unauthorized vessels located at or on a commission facility so that the unauthorized vessels are in the possession and control of the commission. At least ten days before securing any unauthorized registered vessel, the commission shall send notification by registered mail to the last registered owner or registered owners of the vessel at their last known address or addresses.

(2) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, locks, or removal from the water, to secure any vessel if the vessel, in the opinion of the commission, is a nuisance, is in danger of sinking or creating other damage to a commission facility, or is otherwise a threat to the health, safety, or welfare of the public or environment at a

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commission facility. The costs of any such procedure shall be paid by the vessel's owner.

(3) At the time of securing any vessel under subsection (1) or (2) of this section, the commission shall attach to the vessel a readily visible notice or, when practicable, shall post such notice in a conspicuous location at the commission facility in the event the vessel is removed from the premises. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached or posted;

(b) A statement that the vessel has been secured by the commission and that if the commission's charges, if any, are not paid and the vessel is not removed by . . . . . (the thirty-fifth consecutive day following the date of attachment or posting of the notice), the vessel will be considered abandoned and will be sold at public auction to satisfy the charges;

(c) The address and telephone number where additional information may be obtained concerning the securing of the vessel and conditions for its release; and

(d) A description of the owner's or secured party's rights under this chapter.

(4) With respect to registered vessels: Within five days of the date that notice is attached or posted under subsection (3) of this section, the commission shall send such notice, by registered mail, to each registered owner.

(5) If a vessel is secured under subsection (1) or (2) of this section, the owner, or any person with a legal right to possess the vessel, may claim the vessel by:

(a) Making arrangements satisfactory to the commission for the immediate removal of the vessel from the commission's control or for authorized storage or moorage; and

(b) Making payment to the commission of all reasonable charges incurred by the commission in securing the vessel under subsections (1) and (2) of this section and of all moorage fees owed to the commission.

(6) A vessel is considered abandoned if, within the thirty-five day period following the date of attachment or posting of notice in subsection (3) of this section, the vessel has not been claimed under subsection (5) of this section.

(7) If the owner or owners of a vessel are unable to reimburse the commission for all reasonable charges under subsections (1) and (2) of this section within a reasonable time, the commission may seek reimbursement of ~~((seventy-five))~~ ninety percent of all reasonable and auditable costs from the derelict vessel removal account established in RCW 79.100.100.

**Sec. 4.** RCW 79.100.130 and 2011 c 247 s 2 are each amended to read as follows:

(1) A ~~((marina))~~ private moorage facility owner, as those terms are defined in RCW 88.26.010, may contract with a local government for the purpose of participating in the derelict vessel removal program.

(2) If a contract is completed under this section, the local government shall serve as the authorized public entity for the removal of ~~((the))~~ a derelict or abandoned vessel from the ~~((marina owner's))~~ property of the private moorage facility owner. The contract must provide for the ~~((marina owner))~~ private moorage facility owner to be financially responsible for the removal and disposal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict or abandoned vessel.

(3) Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

(4) If the private moorage facility owner has already seized the vessel under chapter 88.26 RCW and title has reverted to the moorage facility, the moorage facility is not considered the owner under this chapter for purposes of cost recovery for actions taken under this section.

**Sec. 5.** RCW 43.19.1919 and 2011 1st sp.s. c 43 s 215 are each amended to read as follows:

(1) The department shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund. This requirement is subject to the following exceptions and limitations:

~~((4))~~ (a) This section does not apply to property under RCW 27.53.045, 28A.335.180, or 43.19.1920;

~~((2))~~ (b) Sales of capital assets may be made by the department and a credit established for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939;

~~((3))~~ (c) Personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the department to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director to be in the best interest of the state. The department shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property;

~~((4))~~ (d) This section does not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts;

~~((5))~~ (e) A state agency having a surplus personal property asset with a fair market value of less than five hundred dollars may transfer the asset to another state agency without charging fair market value. A state agency conducting this action must maintain adequate records to comply with agency inventory procedures and state audit requirements.

(2)(a) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(b) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (i) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (ii) permanently dispose of the vessel by landfill, deconstruction, or other related method.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.19 RCW to read as follows:

(1) Following the inspection required under section 5 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection (2).

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.30 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 8 of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.30 RCW to read as follows:

(1) Following the inspection required under section 7 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 9.** A new section is added to chapter 77.12 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 10 of this act.

**NEW SECTION. Sec. 10.** A new section is added to chapter 77.12 RCW to read as follows:

(1) Following the inspection required under section 9 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 11.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) Prior to transferring ownership of a commission-owned vessel, the commission shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the commission determines the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, that the commission may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 12 of this act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) Following the inspection required under section 11 of this act and prior to transferring ownership of a commission-owned vessel, the commission shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the commission.

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(2)(a) The commission shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the commission may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the commission's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the commission, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The commission may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the commission is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 13.** A new section is added to chapter 47.01 RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

**NEW SECTION. Sec. 14.** A new section is added to chapter 47.01 RCW to read as follows:

(1) Following the inspection required under section 13 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 15.** A new section is added to chapter 35.21 RCW to read as follows:

(1) Prior to transferring ownership of a city or town-owned vessel, the city or town shall conduct a thorough review of the

physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the city or town determines the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the city or town may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 16 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 35.21 RCW to read as follows:

(1) Following the inspection required under section 15 of this act and prior to transferring ownership of a city or town-owned vessel, a city or town shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the city or town.

(2)(a) The city or town shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the city or town may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the city or town's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the city or town, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The city or town may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the city or town is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 17.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Prior to transferring ownership of a code city-owned vessel, the code city shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the code city determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the code city may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 18 of this act.

**NEW SECTION. Sec. 18.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Following the inspection required under section 17 of this act and prior to transferring ownership of a code city-owned vessel, a code city shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the code city.

(2)(a) The code city shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the code city may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the code city's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the code city, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The code city may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the code city is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 19.** A new section is added to chapter 36.32 RCW to read as follows:

(1) Prior to transferring ownership of a county-owned vessel, the county shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the county determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the county may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 20 of this act.

**NEW SECTION. Sec. 20.** A new section is added to chapter 36.32 RCW to read as follows:

(1) Following the inspection required under section 19 of this act and prior to transferring ownership of a county-owned vessel, a county shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the county.

(2)(a) The county shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the county may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the county's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the county, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The county may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the county is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 21.** A new section is added to chapter 53.08 RCW to read as follows:

(1) Prior to transferring ownership of a vessel owned by a port district and used primarily to conduct port business, the port district shall conduct a thorough review of the physical condition of the

vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the port district determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the port district may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or section 22 of this act.

**NEW SECTION. Sec. 22.** A new section is added to chapter 53.08 RCW to read as follows:

(1) Following the inspection required under section 21 of this act and prior to transferring ownership of a port district-owned vessel, a port district shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the port district.

(2)(a) The port district shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the port district may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the port district's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the port district, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The port district may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the port district is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 23.** A new section is added to chapter 43.21A RCW to read as follows:

(1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

**NEW SECTION. Sec. 24.** A new section is added to chapter 43.21A RCW to read as follows:

(1) Following the inspection required under section 23 of this act and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

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(2)(a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(3) Prior to sale, and unless the vessel has a valid marine document, the department is required to apply for a title or certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**NEW SECTION. Sec. 25.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Prior to transferring ownership of an institution-owned vessel, an institution of higher education shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the institution of higher education determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the institution of higher education may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

**NEW SECTION. Sec. 26.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Following the inspection required under section 25 of this act and prior to transferring ownership of an institution-owned vessel, the institution of higher education shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the institution of higher education.

(2)(a) The institution of higher education shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70.105D.020.

(b) However, the institution of higher education may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the institution of higher education's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the institution of higher education, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The institution of higher education may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the institution of higher education is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550.

**Sec. 27.** RCW 28B.10.029 and 2012 c 230 s 4 are each amended to read as follows:

(1)(a) An institution of higher education may, consistent with sections 25 and 26 of this act, exercise independently those powers otherwise granted to the director of enterprise services in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW ((43.19.1901, 43.19.1906, 43.19.1911,)) 43.19.1917, ((43.19.1937,)) 43.19.685, ((43.19.700 through 43.19.704)) 39.26.260 through 39.26.271, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

(h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of enterprise services. Thereafter the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries

business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.

**NEW SECTION. Sec. 28.** (1) The department of natural resource must reevaluate the criteria developed under RCW 79.100.100 regarding the prioritization of vessel removals funded by the derelict vessel removal account. This reprioritization process must occur by January 30, 2014, and consider how vessels located in the vicinity of aquaculture operations and other sensitive areas should be prioritized.

(2) This section expires July 31, 2015.

**Sec. 29.** RCW 88.02.380 and 2010 c 161 s 1006 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, and, in part, in order to prevent the future potential dereliction or abandonment of a vessel, a violation of this chapter and the rules adopted by the department is a ~~((misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:~~

~~(a) For the second violation, a fine of two hundred dollars per vessel;~~

~~(b) For the third and successive violations, a fine of four hundred dollars per vessel)) class 2 civil infraction.~~

(2) A ~~((violation designated in this chapter as a))~~ civil infraction issued under this chapter must be ~~((punished accordingly pursuant to))~~ processed under chapter 7.80 RCW.

(3) After the subtraction of court costs and administrative collection fees, moneys collected under this section must be credited to the ~~((current expense fund of the arresting jurisdiction))~~ ticketing jurisdiction and used only for the support of the enforcement agency, department, division, or program that issued the violation.

(4) All law enforcement officers may enforce this chapter and the rules adopted by the department within their respective

jurisdictions. A city, town, or county may contract with a fire protection district for enforcement of this chapter, and fire protection districts may engage in enforcement activities.

**Sec. 30.** RCW 88.02.340 and 2010 c 161 s 1004 are each amended to read as follows:

(1) Any person charged with the enforcement of this chapter may inspect the registration certificate of a vessel to ascertain the legal and registered ownership of the vessel. A vessel owner or operator who fails to provide the registration certificate for inspection upon the request of any person charged with enforcement of this chapter ~~((is a class 2 civil infraction))~~ may be found to be in violation of this chapter.

(2) The department may require the inspection of vessels that are brought into this state from another state and for which a certificate of title has not been issued and for any other vessel if the department determines that inspection of the vessel will help to verify the accuracy of the information set forth on the application.

**Sec. 31.** RCW 88.02.550 and 2010 c 161 s 1017 are each amended to read as follows:

(1) Except as provided in this chapter, a person may not own or operate any vessel, including a rented vessel, on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter. A vessel that has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal. ~~((A violation of this section is a class 2 civil infraction.))~~

(2) A vessel numbered in this state under the federal boat safety act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to be registered under this chapter until the certificate of number issued for the vessel under the federal boat safety act expires. When registering under this chapter, this type of vessel is subject to the amount of excise tax due under chapter 82.49 RCW that would have been due under chapter 82.49 RCW if the vessel had been registered at the time otherwise required under this chapter.

**Sec. 32.** RCW 79.100.120 and 2010 c 210 s 34 are each amended to read as follows:

(1) A person seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the pollution control hearings board and served on the state agency in accordance with RCW 43.21B.230 (2) and (3) within thirty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the pollution control hearings board shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the pollution control hearings board shall set the

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hearing on a date that is within sixty days of the filing of the request for hearing.

(c) Consistent with RCW 43.21B.305, a proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must follow the procedure established in ~~((RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators))~~ subsection (2) of this section.

**Sec. 33.** RCW 43.21B.110 and 2010 c 210 s 7 and 2010 c 84 s 2 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, ~~((and))~~ the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are

reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of ~~((a state agency that is))~~ an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

~~((e) Appeals of decisions by the department as provided in chapter 43.21B RCW.))~~

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 34.** RCW 43.21B.110 and 2010 c 210 s 8 and 2010 c 84 s 3 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, ~~((and))~~ the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of ~~((a state agency that is))~~ an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

~~((e) Appeals of decisions by the department as provided in chapter 43.211 RCW.))~~

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 35.** RCW 79.100.040 and 2007 c 342 s 2 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must

follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) ~~((#a))~~ Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel ~~((#s))~~:

(i) Is in immediate danger of sinking, breaking up, or blocking navigational channels; or

(ii) Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination ~~((# and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel)).~~

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

**NEW SECTION. Sec. 36.** A new section is added to chapter 79.100 RCW to read as follows:

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

(a) More than sixty-five feet in length and more than forty years old; and

(b) Either:

(i) Is registered or required to be registered under chapter 88.02 RCW; or

(ii) Is listed or required to be listed under chapter 84.40 RCW.

(2) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

(3) Failure to comply with the requirements of subsections (1) and (2) of this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

**NEW SECTION. Sec. 37.** (1) By December 31, 2013, the department shall adopt by rule procedures and standards for the vessel inspections required under section 36 of this act. The procedures and standards must identify the public or private entities authorized to conduct inspections, the required elements of an inspection, and the manner in which inspection results must be documented. The vessel inspection required under this section must be designed to:

(a) Provide the transferee with current information about the condition of the vessel, including the condition of its hull and key operating systems, prior to the transfer;

(b) Provide the department with information under (a) of this subsection for each applicable vessel and, more broadly, to improve the department's understanding of the condition of the larger, older boats in the state's waters;

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(c) Discourage the future abandonment or dereliction of the vessel; and

(d) Maximize the efficiency and effectiveness of the inspection process, including with respect to the time and resources of the transferor, transferee, and the state.

(2) The department shall work with appropriate government agencies and stakeholders in designing the inspection process and standards under this section.

(3) This section expires July 31, 2014.

**Sec. 38.** RCW 79.100.060 and 2006 c 153 s 4 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability under section 36 of this act, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under section 36 of this act, who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

**Sec. 39.** RCW 88.26.020 and 1993 c 474 s 2 are each amended to read as follows:

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ninety days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel, consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within sixty days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied first to the payment of any liens superior to the claim for charges, then to payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be

located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter 63.29 RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ten days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

**NEW SECTION. Sec. 40.** A new section is added to chapter 79.100 RCW to read as follows:

(1) The department may develop and administer a voluntary vessel turn-in program.

(2) The purpose of the voluntary vessel turn-in program is to allow the department to dismantle and dispose of vessels that pose a high risk of becoming a derelict vessel or abandoned vessel, but that do not yet meet the definition of those terms. The department shall design the program with the goal of dismantling and disposing of as many vessels as available resources allow, particularly those vessels posing the greatest risk of becoming abandoned or derelict in the future.

(3) The department shall disseminate information about the vessel turn-in program, including information about the application process, on its internet site and through appropriate agency publications and information sources as determined by the department. The department shall disseminate this information for a reasonable time as determined by the department prior to accepting applications.

(4) The department shall accept and review vessel turn-in program applications from eligible vessel owners, including private marinas that have gained legal title to a vessel in an advanced state of disrepair, during the time period or periods identified by the department. In order to be eligible for the vessel turn-in program, an applicant must demonstrate to the department's satisfaction that the applicant:

(a) Is a Washington resident or business;

(b) Owns a vessel that is in an advanced state of disrepair, has minimal or no value, and has a high likelihood of becoming an abandoned or derelict vessel; and

(c) Has insufficient resources to properly dispose of the vessel outside of the vessel turn-in program.

(5) Decisions regarding program eligibility and whether to accept a vessel for dismantling and disposal under the turn-in program are within the sole discretion of the department.

(6) The department may take other actions not inconsistent with this section in order to develop and administer the vessel turn-in program.

(7) The department may not spend more than two hundred thousand dollars in any one biennium on the program established in this section.

**NEW SECTION. Sec. 41.** (1) In compliance with RCW 43.01.036, the department of natural resources must provide a brief summary of the vessel turn-in program authorized under section 40 of this act to the legislature by September 1, 2014, including information about applications for the program, the vessels disposed of, and any recommendations for modification of the program.

(2) This section expires July 31, 2015.

**Sec. 42.** RCW 43.21B.305 and 2005 c 34 s 2 are each amended to read as follows:

(1) In an appeal that involves a penalty of fifteen thousand dollars or less or that involves a derelict or abandoned vessel under RCW 79.100.120, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite appeals involving penalties of fifteen thousand dollars or less or involving a derelict or abandoned vessel. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

(2) For appeals that involve a derelict or abandoned vessel under RCW 79.100.120 only, an administrative law judge employed by the board may be substituted for a board member under this section.

**NEW SECTION. Sec. 43.** A new section is added to chapter 79.100 RCW to read as follows:

(1) An officer or employee of an authorized public entity, or the department of ecology at the request of an authorized public entity, may, consistent with subsection (2) of this section, board any vessel at any reasonable time for the purpose of administering this chapter including identifying ownership of a vessel, assessing the structural integrity of a vessel, and assessing whether a vessel meets the criteria described under RCW 79.100.040(3).

(2)(a) Prior to boarding any vessel under the authority of this section, an officer or employee of an authorized public entity, or the department of ecology at the request of an authorized public entity, must apply for and obtain an administrative search warrant in either Thurston county superior court or the superior court in the county where the vessel is located, unless a warrant is not otherwise required by law. The court may issue an administrative search warrant for purposes consistent with subsection (1) of this section.

(b) Prior to requesting an administrative search warrant under this subsection, the officer or employee must make a reasonable effort to contact the owner or the owner's designee and obtain consent to board the vessel.

(3) Nothing in this section affects actions taken by an authorized public entity under RCW 79.100.040 or by an authorized public entity or other agency under a separate statutory authority.

**NEW SECTION. Sec. 44.** (1) The department of natural resources must, in consultation with the department of ecology and appropriate stakeholders, evaluate potential changes to laws and rules related to abandoned and derelict vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water. This evaluation must include the development and analysis of:

(a) Administrative and legislative vessel owner responsibility options that seek to ensure the prevention and cleanup of derelict and abandoned vessels, including through the development of requirements applicable to the transfer of vessels at high risk of becoming abandoned or derelict by public and private moorage facility operators; and

(b) The identification of challenges and roadblocks to deconstructing derelict vessels and transforming them into a viable scrap metal product.

(2) The department of natural resources may choose which appropriate stakeholders are consulted in the implementation of this section. However, persons with relevant expertise on financial responsibility mechanisms, such as insurance and surety bonds and letters of credit, must be included. The department of natural resources must also seek to ensure opportunities for interested members of the senate and house of representatives to provide input into the work group process and conclusions.

(3) The department of natural resources must provide a summary of the options developed by the work group, or a draft of

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proposed legislation, to the legislature consistent with RCW 43.01.036 by December 15, 2013.

(4) This section expires June 30, 2014.

NEW SECTION. **Sec. 45.** Section 33 of this act expires June 30, 2019.

NEW SECTION. **Sec. 46.** Section 34 of this act takes effect June 30, 2019.

NEW SECTION. **Sec. 47.** Section 36 of this act takes effect July 1, 2014."

Senator Pearson 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 Pearson, Hargrove and Rolfes to Substitute Senate Bill No. 5663.

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

MOTION

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

On page 1, beginning on line 1 of the title, after "waters;" strike the remainder of the title and insert "amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 79.100.040, 79.100.060, 88.26.020, and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW; adding new sections to chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new sections to chapter 43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 79.100 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute Senate Bill No. 5663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Rolfes and Bailey 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. 5663.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5663 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Benton, Carrell, Holmquist Newbry and Smith

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5663, 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. 5054, by Senators Honeyford, Smith, Schoesler, Benton, Pearson, Ericksen and Hewitt

Establishing a process for the acquisition of habitat and recreation lands by the state.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5054 was substituted for Senate Bill No. 5054 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford 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. 5054.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SUBSTITUTE SENATE BILL NO. 5054, 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 Billig, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5287, by Senators Hill and Hargrove

Eliminating accounts and funds.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5287 was substituted for Senate Bill No. 5287 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill 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. 5287.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5287 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, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5287, 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. 5282, by Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford and Shin

Creating a statewide database of mental health commitment information.

#### MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5282 was substituted for Senate Bill No. 5282 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Chase, the rules were suspended, Substitute Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell 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. 5282.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5282 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, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5282, 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. 5165, by Senators Hargrove and Carrell

Increasing the authority of superior court commissioners to hear and determine certain matters.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 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. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Frockt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 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, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Frockt and Hasegawa

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5165, 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. 5591, by Senators Eide, King and Shin

Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations.

#### MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5591 was substituted for Senate Bill No. 5591 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5591.

#### ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; 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, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 5591, 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. 5691, by Senators Hewitt, Conway and Rolfes

Concerning veterans' homes.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Hasegawa 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. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 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. 5691, 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. 5804, by Senators Baumgartner and Hill

Addressing federal receipts reporting requirements.

MOTIONS

On motion of Senator Baumgartner, Substitute Senate Bill No. 5804 was substituted for Senate Bill No. 5804 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Baumgartner, the rules were suspended, Substitute Senate Bill No. 5804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Fraser 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. 5804.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5804 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. 5804, 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. 5775, by Senators Benton, Hobbs, Brown, Ericksen, Conway and Rivers

Allowing for a veteran designation on drivers' licenses and identicards.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton 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. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; 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, 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

Voting nay: Senator Holmquist Newbry

SENATE BILL NO. 5775, 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. 5289, by Senators Hargrove, Hatfield, Ranker, Hobbs, Sheldon and Schoesler

Concerning the discover pass.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5289 was substituted for Senate Bill No. 5289 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pearson 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. 5289.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289 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. 5289, 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 6:39 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, March 11, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate



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1071-S		1413-S	
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1075-S		1419	
Introduction & 1 <sup>st</sup> Reading .....	3	Introduction & 1 <sup>st</sup> Reading .....	4
1103-S		1442	
Messages .....	1	Messages .....	1
1112		1448-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Introduction & 1 <sup>st</sup> Reading .....	4
1140-S		1474	
Introduction & 1 <sup>st</sup> Reading .....	3	Messages .....	1
1141-S		1496-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Introduction & 1 <sup>st</sup> Reading .....	4
1154		1498-S	
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1172-S		1525-S	
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1194		1547	
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1195-S2		1563-S2	
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1199-S		1574-S	
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1245-S		Introduction & 1 <sup>st</sup> Reading .....	5
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1260-S		Introduction & 1 <sup>st</sup> Reading .....	5
Messages .....	1	1663-S2	
1261-S		Introduction & 1 <sup>st</sup> Reading .....	5
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1267		Introduction & 1 <sup>st</sup> Reading .....	6
Messages .....	1	1675-S	
1279		Introduction & 1 <sup>st</sup> Reading .....	6
Messages .....	1	1677	
1285-S		Introduction & 1 <sup>st</sup> Reading .....	6
Introduction & 1 <sup>st</sup> Reading .....	4	1723-S2	
1291-S		Introduction & 1 <sup>st</sup> Reading .....	6
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1294-S		Introduction & 1 <sup>st</sup> Reading .....	6
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1309-S		Messages .....	1
Introduction & 1 <sup>st</sup> Reading .....	4	1764-S2	
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5287-S		Third Reading Final Passage .....	10
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