

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 10, 2010

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Holmquist, Kline, Oemig and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Kaden Sanne and Allison Steele, presented the Colors. Pastor Jonathan Cross of Center Point of Eatonville offered the prayer.

MOTION

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

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9052, Elsie Hulsizer, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

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

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist, McCaslin and Roach were excused.

APPOINTMENT OF ELSIE HULSIZER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9052, Elsie Hulsizer as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9052, Elsie Hulsizer as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

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

Absent: Senators Kline and Oemig

Excused: Senators Fairley, Holmquist and Prentice

Gubernatorial Appointment No. 9052, Elsie Hulsizer, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9228, Randy J. Rust, as a member of the Board of Trustees, Grays Harbor Community College District No. 2, be confirmed.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Kline and Oemig were excused.

APPOINTMENT OF RANDY J. RUST

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9228, Randy J. Rust as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9228, Randy J. Rust as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Fairley, Holmquist, Oemig, Parlette and Prentice

Gubernatorial Appointment No. 9228, Randy J. Rust, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9178, Ben Cabildo, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF BEN CABILDO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9178, Ben Cabildo as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9178, Ben Cabildo as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Fairley, Holmquist, Parlette and Prentice

Gubernatorial Appointment No. 9178, Ben Cabildo, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Peter Joers, President of Bank of America for Washington State, who was seated at the rostrum.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9217, Dixon McReynolds, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senators Regala and Kline spoke in favor of passage of the motion.

APPOINTMENT OF DIXON MCREYNOLDS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9217, Dixon McReynolds as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9217, Dixon McReynolds as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, Parlette and Prentice

Gubernatorial Appointment No. 9217, Dixon McReynolds, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL 6382.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9190, Diana Gale, as a member of the Puget Sound Partnership, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF DIANA GALE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9190, Diana Gale as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9190, Diana Gale as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, Parlette and Prentice

Gubernatorial Appointment No. 9190, Diana Gale, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9221, Dan O'Neal, as a member of the Puget Sound Partnership, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF DAN O'NEAL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9221, Dan O'Neal as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9221, Dan O'Neal as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

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

Excused: Senators Fairley and Parlette

Gubernatorial Appointment No. 9221, Dan O'Neal, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9229, Steve Sakuma, as a member of the Puget Sound Partnership, be confirmed.

Senator Haugen spoke in favor of the motion.

APPOINTMENT OF STEVE SAKUMA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9229, Steve Sakuma as a member of the Puget Sound Partnership.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9229, Steve Sakuma as a member of the Puget Sound Partnership and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and Parlette

Gubernatorial Appointment No. 9229, Steve Sakuma, having received the constitutional majority was declared confirmed as a member of the Puget Sound Partnership.

SECOND READING

SENATE BILL NO. 6487, by Senators Franklin, Pridemore, Keiser, Carrell, Pflug, Schoesler, Delvin and Kline

Repealing the expiration of the fair payment for chiropractic services requirement.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 6487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6487.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6487 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Fairley

SENATE BILL NO. 6487, 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. 6330, by Senators Kohl-Welles, Delvin, Haugen, Swecker, Kline, Fraser, Shin, Fairley and Roach

Permitting the placement of human trafficking informational posters in rest areas.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Zarelli

Excused: Senator Fairley

SENATE BILL NO. 6330, 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 Kline and Delvin

Concerning the procedure for filing a declaration of completion of probate.

The measure was read the second time.

MOTION

CAPTION
OF
CASE

NOTICE OF FILING OF
DECLARATION OF COMPLETION

OF PROBATE

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.68.110 and 1998 c 292 s 202 are each amended to read as follows:

(1) If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration of completion of probate that must state as follows:

(a) The date of the decedent's death and the decedent's residence at the time of death;

(b) Whether or not the decedent died testate or intestate;

(c) If the decedent died testate, the date of the decedent's last will and testament and the date of the order probating the will;

(d) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of estate taxes due as the result of the decedent's death has been determined, settled, and paid;

(e) That the personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(f) ~~((If the decedent died intestate,))~~ The names(;) and addresses (if known)((-and relationship)) of each heir, legatee, and devisee of the decedent to whom the personal representative is required to give notice as provided in this section and, if the decedent died intestate, the relationship of each heir to the decedent, together with the distributive share of each heir; and

(g) The amount of fees paid or to be paid to each of the following: (i) Personal representative or representatives; (ii) lawyer or lawyers; (iii) appraiser or appraisers; and (iv) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

(2) ~~((Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.~~

(3)) Within five days of the date of the filing of the declaration of completion, the personal representative or the personal representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent, who: (a) Has not waived notice of the filing, in writing, filed in the cause; and (b) either has not received the full amount of the distribution to which the heir, legatee, or devisee is entitled or has a property right that might be affected adversely by the discharge of the personal representative under this section, together with a notice which shall be substantially as follows:

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of , ~~((19-))~~ 20 . . ; ~~((unless you shall file a petition in the above entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, within thirty days after the date of the filing,))~~ the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative's powers will cease, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW unless you file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and to set a time and date for a hearing on the petition, and serve a copy thereof on the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, within thirty days after the date of the filing.

If you file and serve a petition within the period specified, ~~((the undersigned will))~~ then within such period you must also request the court to fix a time and place for the hearing of your petition, and ((you will be notified)) must provide notice of the time and place thereof to the personal representative or the personal representative's lawyer and to each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, by mail((;)) or personal service, not less than ten days before the hearing on the petition.

If you file a petition, but do not serve a copy of such petition, and provide notice of the hearing and time and place within the prescribed time period, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative's powers will cease, the personal representative will be automatically discharged as provided in RCW 11.68.110 and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

Dated this day of , ~~((19-))~~ 20 . .

.....

Personal Representative

~~((4))~~ (3) If all heirs, devisees, and legatees of the decedent entitled to notice under this section waive, in writing, the notice required by this section and such waivers are filed with the court, whether before or after the filing of the declaration of completion of probate, then upon the date of the filing of the declaration of completion of probate, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative's powers will cease, the personal representative will be automatically discharged without further order of the court, and the declaration of completion of probate will become effective as a decree of distribution ((upon the date of filing thereof)) in accordance with chapter 11.76 RCW for all legal intents and purposes.

(4) Provided that the personal representative has complied with

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the requirements of this section, then unless a petition is filed as provided in subsection (5) of this section, thirty days after the filing of the declaration of completion of probate the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative's powers will cease, the personal representative will be automatically discharged without further order of the court, and the declaration of completion of probate will be, at that time, the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.

(5) A declaration of completion of probate will not have the effect provided in subsection (4) of this section if within thirty days from the date of its filing an heir, devisee, or legatee of a decedent:

(a) Petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both;

(b) Petitions the court to fix a time and place for the hearing of the petition. Such request may be included in the petition referenced in (a) of this subsection;

(c) Serves a copy of the petition(s) on the personal representative or the personal representative's lawyer and on each heir, legatee, and devisee to whom the personal representative sent a copy of the declaration of completion of probate at least ten days before the hearing on the petition; and

(d) Files proof of service of the petition(s) with the court within thirty-five days after the filing of the declaration of completion of probate.

(6) In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative (~~shall be~~) is automatically discharged upon the discharge of the personal representative.

Sec. 2. RCW 11.68.114 and 1998 c 292 s 203 are each amended to read as follows:

(1) The personal representative retains the powers to: Deal with the taxing authority of any federal, state, or local government; hold a reserve in an amount not to exceed three thousand dollars, for the determination and payment of any additional taxes, interest, and penalties, and of all reasonable expenses related directly or indirectly to such determination or payment; pay from the reserve the reasonable expenses, including compensation for services rendered or goods provided by the personal representative or by the personal representative's employees, independent contractors, and other agents, in addition to any taxes, interest, or penalties assessed by a taxing authority; receive and hold any credit, including interest, from any taxing authority; and distribute the residue of the reserve to the intended beneficiaries of the reserve; if:

(a) In lieu of the statement set forth in RCW 11.68.110(1)(e), the declaration of completion of probate states that:

The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed, except for the determination of taxes and of interest and penalties thereon as permitted under this section; and

(b) The notice of the filing of declaration of completion of probate must be in substantially the following form:

| | |
|--|--|
| CAPTION OF OF COMPLETION CASE PROBATE | NOTICE OF FILING DECLARATION OF OF |
|--|--|

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the . . . day of . . . , . . . ; unless you file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and to set a time and date for a hearing on the petition, and serve a copy thereof upon the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, within thirty days after the date of the filing:

(i) The (~~schedule~~) amount of fees paid or to be paid set forth in the Declaration of Completion of Probate will be deemed reasonable;

(ii) The Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW;

(iii) The acts that the personal representative performed before the Declaration of Completion of Probate was filed will be deemed approved, and the personal representative will be automatically discharged without further order of the court with respect to all such acts; and

(iv) The personal representative will retain the power to deal with the taxing authorities, together with \$. . . for the determination and payment of all remaining tax obligations. Only that portion of the reserve that remains after the settlement of any tax liability, and the payment of any expenses associated with such settlement, will be distributed to the persons legally entitled to the reserve.

(2) If the requirements in subsection (1) of this section are met, the personal representative is discharged from all claims other than those relating to the settlement of any tax obligations and the actual distribution of the reserve, at the effective date of the declaration of completion. The personal representative is discharged from liability from the settlement of any tax obligations and the distribution of the reserve, and the personal representative's powers cease, thirty days after the personal representative has mailed to those persons who would have shared in the distribution of the reserve had the reserve remained intact and has filed with the court copies of checks or receipts showing how the reserve was in fact distributed, unless a person with an interest in the reserve petitions the court earlier within the thirty-day period for an order requiring an accounting of the reserve or an order determining the reasonableness, or lack of reasonableness, of distributions made from the reserve. If the personal representative has been required to furnish a bond, any bond furnished by the personal representative is automatically discharged upon the final discharge of the personal representative."

Senator Kline 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 Kline to Senate Bill No. 5297.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the procedure for filing a declaration of completion of probate; and amending RCW 11.68.110 and 11.68.114."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Fairley

ENGROSSED 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

On motion of Senator Eide, Senator Oemig was excused.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5523 was not substituted for Senate Bill No. 5523 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5523, by Senators Hobbs, Pridemore and Tom

Including court commissioners employed by the supreme court, court of appeals, superior courts, district courts, and municipal courts in the judicial benefit multiplier program of the public employees' retirement system.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.40 RCW under the subchapter heading "plan 1" to read as follows:

(1) Any member, employed as a court commissioner on September 1, 2010, in the supreme court, court of appeals, or superior, district, or municipal court, may make a one-time irrevocable election, filed in writing with the member's employer,

the department, and the administrative office of the courts, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. The court commissioner shall have from September 1, 2010, through January 31, 2011, to make this election. Any court commissioner who has not previously elected to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(2) Any member hired after September 1, 2010, as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who has not previously elected to accrue an additional benefit under the provisions of this section, shall have ninety days from the date of hire to make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. A court commissioner who does not elect to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(3)(a) A member who made the election under subsection (1) or (2) of this section may apply to the department to increase the member's benefit multiplier by an additional one and one-half percent per year of service for the period in which the member served as a court commissioner prior to the election. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director. This payment must be made prior to retirement.

(b) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(4) In lieu of the retirement allowance provided under RCW 41.40.185, the retirement allowance payable for service as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, for those members who elected to accrue an additional benefit under this section, shall be equal to three and one-half percent of average final compensation for each year of service after the election. The total retirement allowance under this system for members who elected to accrue an additional benefit while a court commissioner shall not exceed seventy-five percent of average final compensation.

NEW SECTION. Sec. 2. A new section is added to chapter 41.40 RCW under the subchapter heading "plan 2" to read as follows:

(1) Any member, employed as a court commissioner on September 1, 2010, in the supreme court, court of appeals, or superior, district, or municipal court, may make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. The court commissioner shall have from September 1, 2010, through January

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31, 2011, to make this election. Any court commissioner who has not previously elected to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(2) Any member hired after September 1, 2010, as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who has not previously elected to accrue an additional benefit under the provisions of this section, shall have ninety days from the date of hire to make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. A court commissioner who does not elect to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(3) Any employee hired after September 1, 2010, as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who has not previously established membership in this system, and who establishes membership in plan 2 under the provisions of RCW 41.40.785, shall have ninety days from the date of hire to make a one-time irrevocable election filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional benefit equal to one and one-half percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. Any employee hired after September 1, 2010, as a court commissioner, who establishes membership in plan 2 under the provisions of RCW 41.40.785 and does not elect to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(4)(a) A member who made the election under subsection (1), (2), or (3) of this section may apply to the department to increase the member's benefit multiplier by an additional one and one-half percent per year of service for the period in which the member served as a court commissioner prior to the election. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director. This payment must be made prior to retirement.

(b) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) In lieu of the retirement allowance provided under RCW 41.40.620, the retirement allowance payable for service as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, for those members who elected to accrue an additional benefit under the provisions of this section shall be equal to three and one-half percent of average final compensation for each year of such service after the election. The total retirement allowance under this system for those members who elected to accrue an additional benefit as a court commissioner shall not exceed seventy-five percent of average final compensation.

NEW SECTION. **Sec. 3.** A new section is added to chapter 41.40 RCW under the subchapter heading "plan 3" to read as follows:

(1) Any member, employed as a court commissioner on September 1, 2010, in the supreme court, court of appeals, or superior, district, or municipal court, may make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional plan 3 defined benefit equal to six-tenths percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. The court commissioner shall have from September 1, 2010, through January 31, 2011, to make this election. Any court commissioner who has not elected to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(2) Any member hired after September 1, 2010, as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who has not previously elected to accrue an additional benefit under the provisions of this section, shall have ninety days from the date of hire to make a one-time irrevocable election, filed in writing with the member's employer, the department, and the administrative office of the courts, to accrue an additional benefit equal to six-tenths percent of average final compensation for each year of future service credit as a court commissioner from the date of the election. A court commissioner who does not elect to accrue an additional benefit under this section may make this election during any subsequent month of January until the irrevocable election is made.

(3) A court commissioner who made the election under subsection (1) or (2) of this section shall contribute a minimum of seven and one-half percent of pay to the member's defined contribution account.

(4)(a) A member who made the election under subsection (1) or (2) of this section may apply to the department to increase the member's benefit multiplier by an additional six-tenths percent per year of service for the period in which the member served as a court commissioner prior to the election. The member shall pay, for the applicable period of service, the actuarially equivalent value of the increase in the member's benefit resulting from the increase in the benefit multiplier as determined by the director. This payment must be made prior to retirement.

(b) Subject to rules adopted by the department, a member applying to increase the member's benefit multiplier under this section may pay all or part of the cost with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) In lieu of the retirement allowance provided under RCW 41.40.790, the retirement allowance payable for service as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, for those members who elected to accrue an additional benefit under the provisions of this section shall be equal to one and six-tenths percent of average final compensation for each year of such service after the election. The total retirement allowance under this system for those members who elected to accrue an additional benefit while a court commissioner shall not

exceed thirty- seven and one-half percent of average final compensation.

NEW SECTION. Sec. 4. A new section is added to chapter 41.45 RCW to read as follows:

(1) The required employer contribution rate in support of public employees' retirement system plan 1 or plan 2 members employed as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who have elected to accrue an additional benefit under the provisions of section 1 or 2 of this act, shall equal the public employees' retirement system employer contribution rate established under this chapter.

(2) The required employer contribution rate in support of public employees' retirement system plan 3 members employed as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who have elected to accrue an additional benefit under the provisions of section 3 of this act, shall equal the public employees' retirement system employer contribution rate established under this chapter plus two and one-half percent of pay.

(3) The required contribution rate for members of the public employees' retirement system plan 2 employed as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who have elected to accrue an additional benefit under the provisions of section 2 of this act, shall be two hundred fifty percent of the member contribution rate for the public employees' retirement system plan 2 established under this chapter.

(4) The required contribution rate for members of the public employees' retirement system plan 1 employed as a court commissioner in the supreme court, court of appeals, or superior, district, or municipal court, who have elected to accrue an additional benefit under the provisions of section 1 of this act, shall be the contribution rate established under RCW 41.40.330 plus six and twenty-six one-hundredths percent of pay.

Sec. 5. RCW 41.45.207 and 2006 c 189 s 19 are each amended to read as follows:

(1) The required employer contribution rate in support of public employees' retirement system plan 1 or plan 2 members employed as district court judges and municipal court judges who elect to participate under RCW 41.40.127(1) (~~(or 41.40.873(1))~~), or who are newly elected or appointed after January 1, 2007, shall equal the public employees' retirement system employer contribution rate established under this chapter.

(2) The required employer contribution rate in support of public employees' retirement system plan 3 members employed as district court judges and municipal court judges who elect to participate under RCW 41.40.873(1), or who are newly elected or appointed after January 1, 2007, for service beginning September 1, 2010, shall equal the public employees' retirement system employer contribution rate established under this chapter plus two and one-half percent of pay.

(3) The required contribution rate for members of the public employees' retirement system plan 2 employed as district court judges or municipal court judges who elect to participate under RCW 41.40.127(1) or 41.40.873(1), or who are newly elected or appointed after January 1, 2007, shall be two hundred fifty percent of the member contribution rate for the public employees' retirement system plan 2 established under this chapter.

~~((3))~~ (4) The required contribution rate for members of the public employees' retirement system plan 1 employed as district court judges or municipal court judges who elect to participate under RCW 41.40.124(1), or who are newly elected or appointed after January 1, 2007, shall be the contribution rate established under RCW 41.40.330 plus six and twenty-six one-hundredths percent of pay.

NEW SECTION. Sec. 6. This act takes effect September 1, 2010."

Senator Hobbs 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 Brown to Senate Bill No. 5523.

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

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

Senators Zarelli and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5523.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

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

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

Excused: Senators Fairley and Oemig

ENGROSSED SENATE BILL NO. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION

8684

By Senators Pflug, Delvin, Pridemore, McDermott, Tom, Kastama, Hobbs, Kauffman, Oemig, Hewitt, Zarelli, McAuliffe, Gordon, Schoesler, Swecker, Honeyford, Morton, Carrell, King, Becker, and Parlette

WHEREAS, The students of Tahoma Senior High School in Maple Valley, Washington; River's Edge High School in Richland, Washington; and Evergreen High School in Vancouver, Washington enrolled in the program known as "We The People, The Citizen and Constitution," have exhibited that they have learned

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very well the lessons of our forefathers who wrote the Constitution of the United States; and

WHEREAS, The students of Tahoma Senior High School won first place in state competition and will be representing all of Washington State in national championship competitions in April; and the students of River's Edge and Evergreen High Schools won second and third place respectively; and

WHEREAS, This constitutional knowledge will enhance their lives and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will prepare the students to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps a future President; and

WHEREAS, Their dedicated and talented teachers, including Gretchen Wulfing of Tahoma Senior High School, can take pride in knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, For the fourteenth time, Tahoma Senior High School has won the first place title at the state championship by answering questions using only their knowledge, memory, and reasoning, enabling its team to represent the whole State of Washington when they compete at the national competition in Washington, D.C. in April; and

WHEREAS, In 2000, Tahoma Senior High School was fourth in the nation, in 2002 and 2008 they won the Western Regional Award, and in 2003 the We The People Team won the top Unit Two in the Nation Award;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor all the participants in this program from Tahoma Senior High School, River's Edge High School, and Evergreen High School. Tahoma Senior High School's first place team: Mariah Anderson, Austin Arnold, Krzysztof Bieniek, McKenna Blenz, Chad Burgess, Casey Campbell, Matthew Cunningham, Wiley Duerson, Robin Hanson, Matthew Herman, John Iatesta, David Mahoney, Savannah Marstall, Melissa Moorehead, Tucker Murrey, Eric Nucci, Shelby Pelon, Chanse Pierson, Talitha Shiroma, Jordyn Sifferman, Karissa Smith, Carolyn Stevens, Jonelle Thorsheim, Emily Wittman.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma Senior High School's We The People Team, the school's teacher Gretchen Wulfing, and the principal of Tahoma Senior High School, Terry Duty, to further show the respect of this body for a job well done and wish them success in their endeavors.

Senators Pflug, Delvin, Pridemore and Kauffman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Tahoma We The People Team who were seated in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 6207, by Senator Haugen

Allowing local governments to create golf cart zones.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6207 was substituted for Senate Bill No. 6207 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6207 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator McDermott

Excused: Senators Fairley, McCaslin and Oemig

SUBSTITUTE SENATE BILL NO. 6207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator McDermott was excused.

SECOND READING

SENATE BILL NO. 6288, by Senators Pridemore, Fairley, Kohl-Welles and Kline

Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore 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. 6288.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6288 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and Oemig

SENATE BILL NO. 6288, 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 Brandland, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 5902, by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott

Promoting accessible communities for persons with disabilities.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 5902 was substituted for Senate Bill No. 5902 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that when people who have disabilities are welcomed and included as members of our communities and provided with equal access to the opportunities available to others, their participation enriches those communities, enhances the strength of those communities' diversity, and contributes toward the economic vitality of those communities. The legislature further finds that more than nine hundred thousand Washington state residents with disabilities continue to face barriers to full participation that could be easily eliminated.

NEW SECTION. Sec. 2. (1) The accessible communities account is created in the custody of the state treasurer. Two hundred dollars from each full penalty imposed under RCW

46.16.381 (7), (8), and (9) must be deposited into the account. When a reduced penalty is imposed under RCW 46.16.381 (7), (8) and (9), the amount deposited in the accessible communities account shall be reduced proportionally.

(2) The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Only the commissioner may authorize expenditures from the account.

(3) Expenditures from the account may be used for promoting greater awareness of disability issues and improved access for and inclusion and acceptance of persons with disabilities in communities in the state of Washington, including:

(a) Reimbursing travel, per diem, and reasonable accommodation for county accessible community advisory committee meetings and committee sponsored activities including, but not limited to, supporting the involvement of people with disabilities and disability organization in emergency planning and emergency preparedness activities;

(b) Establishing and maintaining an accessible communities web site;

(c) Providing training or technical assistance for county accessible community advisory committees;

(d) A grant program for funding proposals developed and submitted by county accessible community advisory committees to promote greater awareness of disability issues and acceptance, inclusion, and access for persons with disabilities within the community;

(e) Reimbursing the state agency that provides administrative support to the governor's committee on disability issues and employment for costs associated with implementing this act; and

(f) Programming changes to the judicial information system accounting module required for disbursement of funds to this account.

NEW SECTION. Sec. 3. A new section is added to chapter 50.40 RCW to read as follows:

(1) To the extent allowed by funds available from the accessible communities account created in section 2 of this act, the governor's committee on disability issues and employment shall:

(a) Determine eligibility of accessible community advisory committees for reimbursement or for grant funding according to section 4 of this act; and

(b) Solicit proposals from active accessible community advisory committees for projects to improve disability awareness and access for persons with disabilities, and shall select projects for funding from moneys available in the accessible communities account.

(2) The commissioner shall adopt rules to administer this section.

(3) To the extent allowed by funds available from the accessible communities account created in section 2 of this act, the governor's committee on disability issues and employment shall establish an accessible communities web site to provide the following information: Guidance, technical assistance, reference materials, and resource identification for local governments, accessible community advisory committees, and public accommodations; examples of best practices for local initiatives and activities to promote greater awareness of disability issues and access for persons with disabilities within the community; and a searchable listing of local public accommodations that have taken steps to be more disability friendly, including information on the specific access features provided.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county has the option to expand the scope of an advisory committee established and maintained under RCW 29A.46.260 to that of an accessible community advisory committee.

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(2) A county that has an active accessible community advisory committee may be reimbursed within available funds from the accessible communities account created in section 2 of this act for travel, per diem, and reasonable accommodation expenses for the participation of that committee's members in committee meetings and sponsored activities.

(3) A county establishes that it has an active accessible community advisory committee by submitting biennial assurances to the governor's committee on disability issues and employment that:

(a) The decision to establish an accessible community advisory committee was made by the county legislative authority, or by agents or officers acting under that authority.

(b) The county auditor supports expanding the scope of the committee established and maintained under RCW 29A.46.260 to that of an accessible community advisory committee.

(c) Committee members include persons with a diverse range of disabilities who are knowledgeable in identifying and eliminating attitudinal, programmatic, communication, and physical barriers encountered by persons with disabilities.

(d) The committee is actively involved in the following activities: Advising on addressing the needs of persons with disabilities in emergency plans; advising the county and other local governments within the county on access to programs services and activities, new construction or renovation projects, sidewalks, other pedestrian routes of travel, and disability parking enforcement; and developing local initiatives and activities to promote greater awareness of disability issues, and acceptance, involvement, and access for persons with disabilities within the community.

(4) Counties may form joint accessible community advisory committees, as long as no more than one of the participating counties has a population greater than seventy thousand.

Sec. 5. RCW 29A.46.260 and 2006 c 207 s 7 are each amended to read as follows:

(1) The legislature finds that the elimination of polling places resulting from the transition to vote by mail creates barriers that restrict the ability of many voters with disabilities from achieving the independence and privacy in voting provided by the accessible voting devices required under the help America vote act. Counties adopting a vote by mail system must take appropriate steps to mitigate these impacts and to address the obligation to provide voters with disabilities an equal opportunity to vote independently and privately, to the extent that this can be achieved without incurring undue administrative and financial burden.

(2) Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The plan shall include recommendations for the following:

(a) The number of polling places that will be maintained in order to ensure that people with disabilities have reasonable access to accessible voting devices, and a written explanation for how the determination was made;

(b) The locations of polling places, drop-off facilities, voting centers, and other election-related functions necessary to maximize accessibility to persons with disabilities;

(c) Outreach to voters with disabilities on the availability of disability accommodation, including in-person disability access voting;

(d) Transportation of voting devices to locations convenient for voters with disabilities in order to ensure reasonable access for voters with disabilities; and

(e) Implementation of the provisions of the help America vote act related to persons with disabilities.

Counties must update the plan at least annually. The election review staff of the secretary of state shall review and evaluate the plan in conformance with the review procedure identified in RCW 29A.04.570.

(3) Counties may form a joint advisory committee to develop the plan identified in subsection (2) of this section if ~~((the total population of the joining counties does not exceed thirty thousand, and the counties are geographically adjacent))~~ no more than one of the participating counties has a population greater than seventy thousand.

Sec. 6. RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are each reenacted and amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk or involves acute sensitivity to light and meets one of the following criteria, as determined by a licensed physician, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, or a physician assistant licensed under chapter 18.71A or 18.57A RCW:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Has such a severe disability, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association;

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician, advanced registered nurse practitioner, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;

(h) Is legally blind and has limited mobility; or

(i) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

(2) The applications for parking permits for persons with disabilities and parking permits for persons with temporary disabilities are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature and immediately below the applicant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification

card shall be issued to all persons who are issued parking placards, including those issued for temporary disabilities, and special parking license plates for persons with disabilities. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the person with disabilities. Instead of regular motor vehicle license plates, persons with disabilities are entitled to receive special license plates under this section or RCW 46.16.385 bearing the international symbol of access for one vehicle registered in the name of the person with disabilities. Persons with disabilities who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the placard or special license plates issued under this section or RCW 46.16.385 may park in places reserved for persons with physical disabilities. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport persons with disabilities who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding home, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the person with disabilities transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the person with disabilities and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the person with disabilities, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the person's physician. The permanent parking placard and identification card of a person with disabilities shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(6) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(7) Any unauthorized use of the special placard, special license plate issued under this section or RCW 46.16.385, or identification card is a ~~((traffic))~~ parking infraction with a monetary penalty of ~~((two))~~ four hundred fifty dollars.

(8) It is a parking infraction, with a monetary penalty of ~~((two))~~ four hundred fifty dollars for a person to park in, block, or otherwise make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. The clerk of the court shall report all violations related to this subsection to the department.

(9) It is a parking infraction, with a monetary penalty of ~~((two))~~ four hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for persons with physical disabilities without a placard or special license plate issued under this section or RCW 46.16.385. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued under this section or RCW 46.16.385 required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this section or RCW 46.16.385. All time restrictions must be clearly posted.

(10) ~~((The penalties))~~ Two hundred dollars from each full penalty imposed under subsections (7), (8), and (9) of this section shall be deposited in the accessible communities account created in section 2 of this act. When a reduced penalty is imposed under subsections (7), (8), and (9) of this section, the amount deposited in the accessible communities account shall be reduced proportionally. The remaining penalty amounts shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(11) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate issued under this section or RCW 46.16.385, placard, or identification card in a manner other than that established under this section.

(12)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(13) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons having disabilities or disabling diseases; or

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(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(14) The court may not suspend more than one-half of any fine imposed under subsection (7), (8), (9), or (11) of this section.

(15) For the purposes of this section, "legally blind" means a person who: (a) Has no vision or whose vision with corrective lenses is so limited that the individual requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by individuals with normal vision; or (b) has an eye condition of a progressive nature which may lead to blindness.

Sec. 7. RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the accessible communities account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life

sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Senator Pridemore 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 Pridemore to Substitute Senate Bill No. 5902.

The motion by Senator Pridemore 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 "disabilities;" strike the remainder of the title and insert "amending RCW 29A.46.260 and 43.79A.040; reenacting and amending RCW 46.16.381; adding a new section to chapter 50.40 RCW; adding a new section to chapter 36.01 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 5902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Kauffman and Eide spoke in favor of passage of the bill.

Senators Pflug and Roach spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

POINT OF ORDER

Senator Benton: "I question Mr. President whether Engrossed Substitute Senate Bill No. 5902 is properly before the body and perhaps that's not the correct point of order. The point of order I'm asking about is the fee in this, referred to as a fee. This bill requires a special fund to be set up in the Treasures Office. That fund is then used to promote things that are not directly related to the actual fine itself. So, fine, fee or tax I'm trying to understand the Nexus and whether or not this bill should be called a tax rather than a fee and, if so, are there different provisions under Initiative 960 that would pertain to the passage of this bill and whether 5902 is properly before us?"

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5902 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6197, by Senators Berkey, Parlette and Franklin

Concerning group life insurance.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6197 was substituted for Senate Bill No. 6197 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6197.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Hewitt, Kline and Oemig

SUBSTITUTE SENATE BILL NO. 6197, 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. 6227, by Senators Becker, Marr, Parlette and Keiser

Concerning the practice of opticianry.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 6227 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 the passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6227.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6227 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Gordon

Excused: Senators Hewitt, Kline and Oemig

SENATE BILL NO. 6227, 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 Keiser: "Thank you Mr. President. I'd like to point out that the bill we just passed, Senate Bill No. 6227 is a very important bill to at least the fine Senator from the Second District. Now, in past session, I believe we have pointed out the fact that when a relatively new member has their first bill on the floor. It's a moment to note. We didn't note that during the process I should note it now. Congratulations."

PERSONAL PRIVILEGE

Senator Becker: "I want to thank you my kind Senator friend of the Thirty-Third District. It is my first bill to make it out onto the floor so I'm proud of that. I thank you for it being one-hundred percent yea. Thank you."

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5529, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King).

Regarding architects.

The bill was read on Third Reading.

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

Senators Holmquist and Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Regala was excused.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5529.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

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

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, McCaslin, Roach and Stevens

Excused: Senators Oemig and Regala

ENGROSSED SUBSTITUTE SENATE BILL NO. 5529, 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 Roach: "I was wondering, the last bill that we just voted out 5529 has a..."

POINT OF ORDER

Senator Eide: "I believe a point of personal privilege is something directly related to the individual not regarding a piece of legislation that we just passed."

REPLY BY THE PRESIDENT

President Owen: "That is correct."

PERSONAL PRIVILEGE

Senator Roach: "This does Mr. President regard the individual. Thank you Mr. President. This individual would like to know before she votes if there's a tax or fee increase. This particular bill I understand from grabbing a book really fast did have it but this particular Senator thinks it's a personal thing here to make sure that those that are putting together the bill reports put in here that there's a fee increase. It's not even in the book and that's I personally wanted the privilege of asking that we put those in. Thank you."

RULING BY THE PRESIDENT

President Owen: "In ruling on the inquiry raised by Senator Benton as to the application of Initiative Number 960 to Engrossed Substitute Senate Bill 5902, the President finds and rules as follows.

The President has previously stated that the term used to describe a particular activity – describing an act of collection as a fee or a tax, for example – is not controlling. Instead, he examines the act of collection, and the manner in which the funds are used. In this matter, the bill increases a fine for violating parking privileges reserved for those with certain disabilities. The funds are then used to educate and inform others regarding governmental policies and actions regarding those same persons.

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As a consequence, there is a strong nexus between the funds collected and their subsequent use.

For these reasons, Senator Benton's point is not well-taken, and this measure will need only a simple majority vote of this body for final passage."

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5902.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5902.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5902 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Delvin, Haugen, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Oemig

ENGROSSED SUBSTITUTE SENATE BILL NO. 5902, 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 11:13 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:43 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9193, Irene Gonzales, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

MOTION

On motion of Senator Marr, Senators Brown, Prentice and Pridemore were excused.

APPOINTMENT OF IRENE GONZALES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9193, Irene Gonzales as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9193, Irene Gonzales as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Benton and Prentice

Gubernatorial Appointment No. 9193, Irene Gonzales, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9224, Sherry W. Parker, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF SHERRY W. PARKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9224, Sherry W. Parker as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9224, Sherry W. Parker as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Benton and Prentice

Gubernatorial Appointment No. 9224, Sherry W. Parker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I would just like to recognize and I really appreciate you recognizing the visitors from the Tri Cities but just a little bit about the ARC. It provides services for the developmentally disabled community and their families. It's a great organization. I've had a pleasure and really a lot of gratitude being involved with this group for many years. We're building a new building in the Tri-Cities. It will be a better place for them to receive service than there, I think it's about a thirty year old building, and I'm just thankful they came over here from the Tri Cities to Olympia. The People First is an advocate group. They self-advocate for their needs and their services and they do a great job. Teresa is one of those persons who serves on the Governor's Council on the Developmentally Disabled community. So thank you, Mr. President."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. I have some great news to announce. We had over one hundred and sixty-eight levies that were brought before the people yesterday to support our schools. They were maintenance and operation levies. Out of that number only two are still counting. The vast majority of them have been supported. I think it sends a strong message to the legislature that our people want to support our public schools so I want to express that to you today and I want to congratulate the public for really stepping and supporting our schools. Thank you Mr. President."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McDermott moved that Gubernatorial Appointment No. 9151, Patrick M. Hannigan, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator McDermott spoke in favor of the motion.

APPOINTMENT OF PATRICK M. HANNIGAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9151, Patrick M. Hannigan as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9151, Patrick M. Hannigan as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Benton and Prentice

Gubernatorial Appointment No. 9151, Patrick M. Hannigan, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

SECOND READING

SENATE BILL NO. 6340, by Senators Regala and Kline

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Changing the membership of the Washington state forensic investigations council.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6340 was substituted for Senate Bill No. 6340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala 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. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 6340, 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. 6401, by Senator Brandland

Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland 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. 6401.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

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

Excused: Senator Benton

SENATE BILL NO. 6401, 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. 6591, by Senators Kline, Berkey, Gordon, Keiser and Prentice

Revising the procedure for complaints filed with the human rights commission.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6591 was substituted for Senate Bill No. 6591 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6591.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6591 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 6591, 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. 6263, by Senator Keiser

Establishing the Washington vaccine association.

The measure was read the second time.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6263 was not substituted for Senate Bill No. 6263 and the substitute bill was not adopted.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Association" means the Washington vaccine association.

(2) "Covered lives" means all persons under the age of nineteen in Washington state who are:

(a) Covered under an individual or group health benefit plan issued or delivered in Washington state or an individual or group health benefit plan that otherwise provides benefits to Washington residents; or

(b) Enrolled in a group health benefit plan administered by a third-party administrator. Persons under the age of nineteen for whom federal funding is used to purchase vaccines or who are enrolled in state purchased health care programs covering low-income children including, but not limited to, apple health for kids under RCW 74.09.470 and the basic health plan under chapter 70.47 RCW are not considered "covered lives" under this chapter.

(3) "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year for the purchase and distribution of vaccines purchased at the federal discount rate by the department of health.

(4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005.

(5) "Health carrier" has the same meaning as defined in RCW 48.43.005.

(6) "Secretary" means the secretary of the department of health.

(7) "State supplied vaccine" means vaccine purchased by the state department of health for covered lives for whom the state is purchasing vaccine using state funds raised via assessments on health carriers and third-party administrators as provided in this chapter.

(8) "Third-party administrator" means any person or entity who, on behalf of a health insurer or health care purchaser, receives or collects charges, contributions, or premiums for, or adjusts or settles claims on or for, residents of Washington state or Washington health care providers and facilities.

(9) "Total nonfederal program cost" means the estimated vaccine cost less the amount of federal revenue available to the state for the purchase and distribution of vaccines.

(10) "Vaccine" means a preparation of killed or attenuated living microorganisms, or fraction thereof, that upon administration stimulates immunity that protects against disease and is approved by the federal food and drug administration as safe and effective and recommended by the advisory committee on immunization practices of the centers for disease control and prevention for administration to children under the age of nineteen years.

NEW SECTION. Sec. 2. There is created a nonprofit corporation to be known as the Washington vaccine association. The association is formed for the primary purpose of collecting and remitting adequate funds from health carriers and third-party administrators for the cost of vaccines provided to certain children in Washington state. The association may also undertake other activities in support of a broader private/public initiative to protect Washington's children from the effects of preventable infectious diseases through increasing immunization rates.

NEW SECTION. Sec. 3. (1) The association is comprised of all health carriers issuing or renewing health benefit plans in Washington state and all third-party administrators conducting business on behalf of residents of Washington state or

Washington health care providers and facilities. Third-party administrators are subject to registration under section 9 of this act.

(2) The association is a nonprofit corporation under chapter 24.03 RCW and has the powers granted under that chapter.

(3) The board of directors includes the following voting members:

(a) Four members, selected from health carriers or third-party administrators, excluding health maintenance organizations, that have the most fully insured and self-funded covered lives in Washington state. The count of total covered lives includes enrollment in all companies included in their holding company system. Each health carrier or third-party administrator is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(b) One member selected from the health maintenance organization having the most fully insured and self-insured covered lives in Washington state. The count of total lives includes enrollment in all companies included in its holding company system. Each health maintenance organization is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(c) One member, representing health carriers not otherwise represented on the board under (a) or (b) of this subsection, who is elected from among the health carrier members not designated under (a) or (b) of this subsection.

(d) One member, representing Taft Hartley plans, and one member representing Washington state employers offering self-funded health coverage, appointed by the secretary from a list of nominees submitted by the Puget Sound health alliance.

(e) Two physician members appointed by the secretary, including at least one board certified pediatrician.

(f) The secretary, or a designee of the secretary with expertise in childhood immunization purchasing and distribution.

(4) The directors' terms and appointments must be specified in the plan of operation adopted by the association.

(5) The board of directors of the association shall:

(a) Prepare and adopt articles of association and bylaws;

(b) Prepare and adopt a plan of operation;

(c) Submit the plan of operation to the secretary for approval;

(d) Conduct all activities in accordance with the approved plan of operation;

(e) Enter into contracts as necessary or proper to collect and disburse the assessment;

(f) Enter into contracts as necessary or proper to administer the plan of operation;

(g) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person;

(h) Appoint, from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary;

(i) Obtain such liability and other insurance coverage for the benefit of the association, its directors, officers, employees, and agents as may in the judgment of the board of directors be helpful or necessary for the operation of the association;

(j) By May 1, 2010, establish the estimated amount of the assessment needed for the period of May 1, 2010, through December 31, 2010, based upon the estimate provided to the association under section 4(1) of this act; and notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's total assessment for this period by May 15, 2010;

(k) On an annual basis, beginning no later than November 1, 2010, and by November 1st of each year thereafter, establish the estimated amount of the assessment;

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(l) Notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's estimated total assessment by November 15th of each year;

(m) Submit a periodic report to the secretary listing those health carriers or third-party administrators that failed to remit their assessments and audit health carrier and third-party administrator books and records for accuracy of assessment payment submission;

(n) Allow each health carrier or third-party administrator no more than ninety days after the notification required by (l) of this subsection to remit any amounts in arrears or submit a payment plan, subject to approval by the association and initial payment under an approved payment plan;

(o) Deposit annual assessments collected by the association, less the association's administrative costs, with the state treasurer to the credit of the universal vaccine purchase account established in RCW 43.70.720;

(p) Borrow and repay such working capital, reserve, or other funds as, in the judgment of the board of directors, may be helpful or necessary for the operation of the association; and

(q) Perform any other functions as may be necessary or proper to carry out the plan of operation and to affect any or all of the purposes for which the association is organized.

(6) The secretary shall convene the initial meeting of the association board of directors.

NEW SECTION. Sec. 4. (1) The secretary shall estimate the total nonfederal program cost for the upcoming calendar year by October 1, 2010, and October 1st of each year thereafter. Additionally, the secretary shall subtract any amounts needed to serve children enrolled in state purchased health care programs covering low-income children for whom federal vaccine funding is not available, and report the final amount to the association. In addition, the secretary shall perform such calculation for the period of May 1st through December 31st, 2010, as soon as feasible but in no event later than April 1, 2010. The estimates shall be timely communicated to the association.

(2) The board of directors of the association shall determine the method and timing of assessment collection in consultation with the department of health. The board shall use a formula designed by the board to ensure the total anticipated nonfederal program cost, minus costs for other children served through state-purchased health care programs covering low-income children, calculated under subsection (1) of this section, is collected and transmitted to the universal vaccine purchase account created in RCW 43.70.720 in order to ensure adequacy of state funds to order state-supplied vaccine from federal centers for disease control and prevention.

(3) Each licensed health carrier and third-party administrator must be assessed and is required to timely remit payment for its share of the total amount needed to fund nonfederal program costs calculated by the department of health. Such an assessment includes additional funds as determined necessary by the board to cover the reasonable costs for the association's administration. The board shall determine the assessment methodology, with the intent of ensuring that the nonfederal costs are based on actual usage of vaccine for a health carrier or third-party administrator's covered lives. The board may in addition provide financial or other incentives for achievement of higher vaccination rates. State and local governments and school districts must pay their portion of vaccine expense for covered lives under this chapter.

(4) The board of the association shall develop a mechanism through which the number and cost of doses of vaccine purchased under this chapter that have been administered to children covered by each health carrier and third-party administrator are attributed to each such health carrier and third-party administrator. Except as otherwise permitted by the board, this mechanism must include at least the following: Date of service; patient name; vaccine

received; and health benefit plan eligibility. The data must be collected and maintained in a manner consistent with applicable state and federal health information privacy laws. Beginning November 1, 2011, and each November 1st thereafter, the board shall factor the results of this mechanism for the previous year into the determination of the appropriate assessment amount for each health carrier and third-party administrator for the upcoming year.

(5) For any year in which the total calculated cost to be received from association members through assessments is less than the total nonfederal program cost, the association must pay the difference to the state for deposit into the universal vaccine purchase account established in RCW 43.70.720. The board may assess, and the health carrier and third-party administrators are obligated to pay, their proportionate share of such costs and appropriate reserves as determined by the board.

(6) The aggregate amount to be raised by the association in any year may be reduced by any surpluses remaining from prior years.

(7) In order to generate sufficient start-up funding, the association may accept prepayment from member health carriers and third-party administrators, subject to offset of future amounts otherwise owing or other repayment method as determined by the board. The initial deposit of start-up funding must be deposited into the universal vaccine purchase account on or before April 30, 2010.

NEW SECTION. Sec. 5. (1) The board of the association shall establish a committee for the purposes of developing recommendations to the board regarding selection of vaccines to be purchased in each upcoming year by the department. The committee must be composed of at least five voting board members, including at least three health carrier or third-party administrator members, one physician, and the secretary or the secretary's designee. The committee must also include a representative of vaccine manufacturers, who is a nonvoting member of the committee. The representative of vaccine manufacturers must be chosen by the secretary from a list of three nominees submitted collectively by vaccine manufacturers on an annual basis.

(2) In selecting vaccines to purchase, the following factors should be strongly considered by the committee: Patient safety and clinical efficacy, public health and purchaser value, patient and provider choice, and stability of vaccine supply.

NEW SECTION. Sec. 6. In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance by any health carrier or third-party administrator of any reporting obligations established under the association's plan of operation. Upon failure of any health carrier or third-party administrator to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under section 3 of this act. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the universal vaccine purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

NEW SECTION. Sec. 7. The board of directors of the association shall submit to the secretary, no later than one hundred twenty days after the close of the association's fiscal year, a financial report in a form approved by the secretary.

NEW SECTION. Sec. 8. No liability on the part of, and no cause of action of any nature, shall arise against any member of the board of the association, against an employee or agent of the association, or against any health care provider for any lawful action taken by them in the performance of their duties or required activities under this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 43.24 RCW to read as follows:

(1)(a) Beginning September 1, 2010, a third-party administrator must register with the department of licensing and renew its registration on an annual basis thereafter prior to December 31st of each year, or within ten days after the registrant changes its name, business name, business address, or business telephone number, whichever occurs sooner.

(b) The registrant shall pay the registration or renewal fee established by the department of licensing as provided in RCW 43.24.086.

(c) Any person or entity that is acting as or holding itself out to be a third-party administrator while failing to have registered under this section is subject to a civil penalty of not less than one thousand dollars nor more than ten thousand dollars for each violation. The civil penalty is in addition to any other penalties that may be imposed for violations of other laws of this state.

(2) For the purposes of this section, "third-party administrator" has the same meaning as defined in section 1 of this act.

(3) The department of licensing may adopt rules under chapter 34.05 RCW as necessary to implement this section.

Sec. 10. RCW 43.70.720 and 2009 c 564 s 934 are each amended to read as follows:

The universal vaccine purchase account is created in the custody of the state treasurer. Receipts from public and private sources for the purpose of increasing access to vaccines for children may be deposited into the account. Expenditures from the account must be used exclusively for the purchase of vaccines, at no cost to health care providers in Washington, to administer to children under nineteen years old who are not eligible to receive vaccines at no cost through federal programs. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 11. Sections 1 through 8 and 12 through 14 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 12. (1) The association board may, on or after June 30, 2015, vote to recommend termination of the association if it finds that the original intent of its formation and operation, which is to ensure more cost-effective purchase and distribution of vaccine than if provided through uncoordinated purchase by health care providers, has not been achieved. The association board shall provide notice of the recommendation to the relevant policy and fiscal committees of the legislature within thirty days of the vote being taken by the association board. If the legislature has not acted by the last day of the next regular legislative session to reject the board's recommendation, the board may vote to permanently dissolve the association.

(2) In the event of a voluntary or involuntary dissolution of the association, funds remaining in the universal purchase vaccine account created in RCW 43.70.720 that were collected under this chapter must be returned to the member health carrier and third-party administrators in proportion to their previous year's contribution, from any balance remaining following the repayment

of any prepayments for start-up funding not previously recouped by such member.

NEW SECTION. Sec. 13. Physicians and clinics ordering state supplied vaccine must ensure they have billing mechanisms and practices in place that enable the association to accurately track vaccine delivered to association members' covered lives and must submit documentation in such a form as may be prescribed by the board in consultation with state physician organizations. Physicians and other persons providing childhood immunization are strongly encouraged to use state supplied vaccine whenever possible. Nothing in this chapter prohibits health carriers and third-party administrators from denying claims for vaccine serum costs when the serum or serums providing similar protection are provided or available via state supplied vaccine.

NEW SECTION. Sec. 14. If the requirement that any segment of health carriers, third-party administrators, or state or local governmental entities provide funding for the program established in this chapter is invalidated by a court of competent jurisdiction, the board of the association may terminate the program one hundred twenty days following a final judicial determination on the matter.

NEW SECTION. Sec. 15. A new section is added to chapter 48.43 RCW to read as follows:

Assessments paid by carriers under section 4 of this act may be considered medical expenses for purposes of rate setting and regulatory filings.

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to assessments described in sections 3 and 4 of this act received by a nonprofit corporation established under section 2 of this act.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

MOTION

Senator Oemig moved that the following amendment by Senator Oemig to the striking amendment be adopted.

On page 7, line 9, after "(2)" insert "Vaccines manufactured with added mercury may not be purchased unless the mercury-free orders cannot be filled and the secretary declares a temporary emergency shortage.

(3)"

Senators Oemig, Keiser and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senators Pflug and Honeyford spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Regala, Senator Murray was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oemig on page 7, line 9 to the striking amendment to Senate Bill No. 6263.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser and others as amended to Senate Bill No. 6263.

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

MOTION

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

On page 1, line 2 of the title, after "association;" strike the remainder of the title and insert "amending RCW 43.70.720; adding a new section to chapter 43.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug 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. 6263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6263 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Holmquist and Stevens

Excused: Senators Benton and Murray

ENGROSSED SENATE BILL NO. 6263, 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 TO LIMIT DEBATE

Senator Eide: "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 February 10, 2010."

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

The motion by Senator Eide carried and debate was limited through February 10, 2010 by voice vote.

SECOND READING

SENATE BILL NO. 6214, by Senators Haugen, Morton, Swecker, Shin, McCaslin, Ranker, Rockefeller, Fairley, Pridemore, Kline, Parlette, Jacobsen, Schoesler, Sheldon, McDermott and Fraser

Restructuring three growth management hearings boards into one board.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6214 was substituted for Senate Bill No. 6214 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Roach spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6214.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6214 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Benton and Murray

SUBSTITUTE SENATE BILL NO. 6214, 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. 6374, by Senators Kilmer, Delvin, Swecker, Shin, Kastama, Eide, Marr, Hatfield, Sheldon, Berkey, Haugen and Ranker

Regarding fiscal note instructions.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6374 was substituted for Senate Bill No. 6374 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6374.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6374 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Benton, Murray and Rockefeller

SUBSTITUTE SENATE BILL NO. 6374, 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. 6341, by Senators Hatfield, Haugen, Schoesler, Prentice, Shin and Fairley

Transferring emergency food assistance programs to the department of agriculture. Revised for 1st Substitute: Transferring food assistance programs to the department of agriculture.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6341 was substituted for Senate Bill No. 6341 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield 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. 6341.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6341 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Murray

SUBSTITUTE SENATE BILL NO. 6341, 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. 6306, by Senator Schoesler

Regulating crop adjusters.

MOTION

On motion of Senator Schoesler, Substitute Senate Bill No. 6306 was substituted for Senate Bill No. 6306 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

"Sec. 1. RCW 48.14.010 and 2009 c 162 s 2 and 2009 c 119 s 10 are each reenacted and amended to read as follows:

(1) The commissioner shall collect in advance the following fees:

(a) For filing charter documents:

- (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed \$250.00
- (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws \$ 10.00
- (iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.

(b) Certificate of authority:

- (i) Issuance \$ 25.00
- (ii) Renewal \$ 25.00

(c) Annual statement of insurer, filing

\$ 20.00

(d) Organization or financing of domestic insurers and affiliated corporations:

- (i) Application for solicitation permit, filing \$100.00
- (ii) Issuance of solicitation permit \$ 25.00

(e) Insurance producer licenses:

- (i) License application \$ 55.00
- (ii) License renewal, every two years \$ 55.00
- (iii) Initial appointment and renewal of appointment of each insurance producer, every two years \$ 20.00
- (iv) Limited line insurance producer license application and renewal, every two years \$ 20.00

(f) Title insurance agent licenses:

- (i) License application \$ 50.00
- (ii) License renewal, every two years \$ 50.00

(g) Reinsurance intermediary licenses:

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| | | |
|------------|---|-----------------|
| (i) | Reinsurance intermediary-broker, each year..... | \$ 50.00 |
| (ii) | Reinsurance intermediary-manager, each year..... | \$100.00 |
| (h) | Surplus line broker license application and renewal, every two years | \$200.00 |
| (i) | Adjusters' licenses: | |
| (i) | Independent adjuster((s)): <u>(A) License application</u> | <u>\$ 50.00</u> |
| | <u>(B) License renewal, every two years</u> | <u>\$ 50.00</u> |
| (ii) | Public adjuster((s)): <u>(A) License application</u> | <u>\$ 50.00</u> |
| | <u>(B) License renewal, every two years</u> | <u>\$ 50.00</u> |
| (iii) | Crop adjuster: <u>(A) License application</u> | <u>\$ 50.00</u> |
| | <u>(B) License renewal, every two years</u> | <u>\$50.00</u> |
| (j) | Managing general agent appointment, every two years | \$200.00 |
| (k) | Examination for license, each examination: | |

All examinations, except examinations administered by an independent testing service, the fees for which are to be approved by the commissioner and collected directly by and retained by such independent testing service

\$ 20.00

| | | |
|------------|---|---------|
| (l) | Miscellaneous services: | |
| (i) | Filing other documents..... | \$ 5.00 |
| (ii) | Commissioner's certificate under seal..... | \$ 5.00 |
| (iii) | Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner. | |

(m) Self-service storage specialty insurance producer license application and renewal:
 Every two years, \$130.00 for an owner with under fifty employees or \$375.00 for an owner with fifty or more employees; plus a location fee of \$35.00 for each additional location of an owner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund.

(a) Fees for examinations administered by an independent testing service that are approved by the commissioner under subsection (1)(k) of this section shall be collected directly by the independent testing service and retained by it.

(b) Fees for copies of documents filed in the commissioner's office shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the insurance commissioner's regulatory account.

Sec. 2. RCW 48.17.010 and 2009 c 162 s 13 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Adjuster" means any person who, for compensation as an independent contractor or as an employee of an independent contractor, or for fee or commission, investigates or reports to the adjuster's principal relative to claims arising under insurance contracts, on behalf solely of either the insurer or the insured. An attorney-at-law who adjusts insurance losses from time to time incidental to the practice of his or her profession(~~(s)~~) or an adjuster of marine losses(~~(, or a salaried employee of an insurer or of a managing general agent,))~~) is not deemed to be an "adjuster" for the purpose of this chapter. A salaried employee of an insurer or of a managing general agent is not deemed to be an "adjuster" for the purpose of this chapter, except when acting as a crop adjuster.

(a) "Independent adjuster" means an adjuster representing the interests of the insurer.

(b) "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy.

(c) "Crop adjuster" means an adjuster, including (i) an independent adjuster, (ii) a public adjuster, and (iii) an employee of an insurer or managing general agent, who acts as an adjuster for claims arising under crop insurance. A salaried employee of an insurer or of a managing general agent who is certified by a crop adjuster program approved by the risk management agency of the United States department of agriculture is not a "crop adjuster" for the purposes of this chapter. Proof of certification must be provided to the commissioner upon request.

(2) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(3) "Crop insurance" means insurance coverage for damage to crops from unfavorable weather conditions, fire or lightning, flood, hail, insect infestation, disease, or other yield-reducing conditions or perils provided by the private insurance market, or multiple peril crop insurance reinsured by the federal crop insurance corporation, including but not limited to revenue insurance.

(4) "Home state" means the District of Columbia and any state or territory of the United States or province of Canada in which an insurance producer maintains the insurance producer's principal place of residence or principal place of business, and is licensed to act as an insurance producer.

~~((4))~~ (5) "Insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school licensed under Title 28C RCW, or independent contractor to which the commissioner has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of RCW 48.17.150.

~~((5))~~ (6) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance. "Insurance producer" does not include title insurance agents as defined in subsection ~~((45))~~ (16) of this section or surplus line brokers licensed under chapter 48.15 RCW.

~~((6))~~ (7) "Insurer" has the same meaning as in RCW 48.01.050, and includes a health care service contractor as defined in RCW 48.44.010 and a health maintenance organization as defined in RCW 48.46.020.

~~((7))~~ (8) "License" means a document issued by the commissioner authorizing a person to act as an insurance producer or title insurance agent for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent, or inherent, in the holder to represent or commit to an insurer.

~~((8))~~ (9) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage

disability, automobile dealer gap insurance, and any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing the credit obligation that the commissioner determines should be designated a form of limited line credit insurance.

~~((9))~~ (10) "NAIC" means national association of insurance commissioners.

~~((10))~~ (11) "Negotiate" means the act of conferring directly with, or offering advice directly to, a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

~~((11))~~ (12) "Person" means an individual or a business entity.

~~((12))~~ (13) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurer.

~~((13))~~ (14) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular insurer.

~~((14))~~ (15) "Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of an insurance producer's authority to transact insurance.

~~((15))~~ (16) "Title insurance agent" means a business entity licensed under the laws of this state and appointed by an authorized title insurance company to sell, solicit, or negotiate insurance on behalf of the title insurance company.

~~((16))~~ (17) "Uniform application" means the current version of the NAIC uniform application for individual insurance producers for resident and nonresident insurance producer licensing.

~~((17))~~ (18) "Uniform business entity application" means the current version of the NAIC uniform application for business entity insurance license or registration for resident and nonresident business entities.

Sec. 3. RCW 48.17.060 and 2009 c 162 s 14 are each amended to read as follows:

(1) A person shall not sell, solicit, or negotiate insurance in this state for any line or lines of insurance unless the person is licensed for that line of authority in accordance with this chapter.

(2) A person may not act as or hold himself or herself out to be an adjuster in this state unless licensed by the commissioner or otherwise authorized to act as an adjuster under this chapter.

(3) A person may not act as or hold himself or herself out to be a crop adjuster in this state unless licensed by the commissioner or otherwise authorized to act as a crop adjuster under this chapter.

Sec. 4. RCW 48.17.110 and 2009 c 162 s 16 are each amended to read as follows:

(1) A resident individual applying for an insurance producer license or an individual applying for an adjuster, including crop adjuster, license shall pass a written examination unless exempt under this section or RCW 48.17.175. The examination shall test the knowledge of the individual concerning the lines of authority for which application is made, the duties and responsibilities of an insurance producer or adjuster, and the insurance laws and rules of this state. Examinations required by this section shall be developed and conducted under the rules prescribed by the commissioner. ~~((The commissioner shall prepare, or approve, and make available a manual specifying in general terms the subjects which may be covered in any examination for a particular license.))~~

(2) The following are exempt from the examination requirement:

(a) Applicants for licenses under RCW 48.17.170(1) (g), (h), and (i), at the discretion of the commissioner;

(b) With the exception of crop adjusters, applicants for an adjuster's license who for a period of one year, a portion of which was in the year next preceding the date of application, have been a

full-time salaried employee of an insurer or of a managing general agent to adjust, investigate, or report claims arising under insurance contracts;

(c) With the exception of crop adjusters, applicants for a license as a nonresident adjuster who are duly licensed in another state and who are deemed by the commissioner to be fully qualified and competent for a similar license in this state; and

(d) Applicants for a license as a nonresident crop adjuster, who must:

(i) Be duly licensed as a crop adjuster, or hold a valid substantially similar license in another state; and

(ii) Have completed preclicensing education and passed an examination substantially similar to the preclicensing education and examination required for licensure as a resident crop adjuster in this state; or

(iii) If their state of residence does not license crop adjusters, complete preclicensing education and pass an examination that are substantially similar to the preclicensing education and examination required to be licensed as a resident crop adjuster in this state.

(3) The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations.

(4) The commissioner may, at any time, require any licensed insurance producer, adjuster or crop adjuster to take and successfully pass an examination testing the licensee's competence and qualifications as a condition to the continuance or renewal of a license, if the licensee has been guilty of violating this title, or has so conducted affairs under an insurance license as to cause the commissioner to reasonably desire further evidence of the licensee's qualifications.

(5) The commissioner may by rule establish requirements for crop adjusters to:

(a) Successfully complete preclicensing education;

(b) Pass a written examination to obtain a license; and

(c) Renew their license.

Sec. 5. RCW 48.17.150 and 2009 c 162 s 17 are each amended to read as follows:

(1) The commissioner shall by rule establish minimum continuing education requirements for the renewal or reissuance of a license to an insurance producer.

(2) The commissioner may by rule establish minimum continuing education requirements for the renewal or reissuance of a license to a crop adjuster.

(3) The commissioner shall require that continuing education courses will be made available on a statewide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses.

~~((3))~~ (4) The continuing education requirements must be appropriate to the license for the lines of authority specified in RCW 48.17.170 or by rule.

Sec. 6. RCW 48.17.390 and 2007 c 117 s 19 are each amended to read as follows:

(1)(a) The commissioner may license:

(i) An individual or business entity as an independent adjuster or as a public adjuster~~((and));~~

(ii) An individual as a crop adjuster; and

(b) Separate licenses shall be required for each type of adjuster.

(2) An individual or business entity may be concurrently licensed under separate licenses as an independent adjuster and as a public adjuster.

(3) An individual may be concurrently licensed under separate licenses as an independent adjuster, a public adjuster, or a crop adjuster.

(4) The full license fee shall be paid for each such license.

Sec. 7. RCW 48.17.420 and 2007 c 117 s 21 are each amended to read as follows:

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(1) ((On behalf of and as authorized by an insurer for which an insurance producer or title insurance agent has been appointed as an agent.)) An insurance producer or title insurance agent may from time to time act as an adjuster on behalf of and as authorized by an insurer for which an insurance producer or title insurance agent has been appointed as an agent and investigate and report upon claims without being required to be licensed as an adjuster. An insurance producer or title insurance agent must not act as a crop adjuster or investigate or report upon claims arising under crop insurance without first obtaining a crop adjuster license or, if a salaried employee of an insurer or of a managing general agent, without first being certified by a crop adjuster proficiency program approved by the risk management agency of the United States department of agriculture.

(2) ~~((N))~~ Except for losses arising under crop insurance, a license by this state ((shall be)) is not required of a nonresident independent adjuster, for the adjustment in this state of a single loss, or of losses arising out of a catastrophe common to all such losses.

(3) For losses arising under crop insurance, a license by this state is not required of a nonresident crop adjuster, for the adjustment in this state of a single loss, or of losses arising out of a catastrophe common to all such losses, if the nonresident crop adjuster is:

- (a) Licensed as a crop adjuster in another state;
- (b) Certified by the risk management agency of the United States department of agriculture; or
- (c) A salaried employee of an insurer or of a managing general agent who is certified by a crop adjuster proficiency program approved by the risk management agency of the United States department of agriculture.

NEW SECTION. Sec. 8. This act takes effect June 27, 2011."

Senator Schoesler 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 Schoesler to Substitute Senate Bill No. 6306.

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

MOTION

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

On page 1, line 1 of the title, after "adjusters;" strike the remainder of the title and insert "amending RCW 48.17.010, 48.17.060, 48.17.110, 48.17.150, 48.17.390, and 48.17.420; reenacting and amending RCW 48.14.010; and providing an effective date."

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Substitute Senate Bill No. 6306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Berkey 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. 6306.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6306 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Holmquist and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6306, 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. 6688, by Senators Fairley and Shin

Concerning filling vacancies in nonpartisan elective office.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6688 was substituted for Senate Bill No. 6688 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6688 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 6688, 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. 6418, by Senators Marr and Brown

Regarding cities and towns annexed to fire protection districts.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Roach spoke in favor of the passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Thank you. Senator, so will, who is the governing authority then if this legislation is adopted?"

Senator Marr: "Well, if the city chooses the municipal fire district, excuse me, municipal fire department option obviously it becomes a unit of city government. If they choose to annex into an existing fire district it becomes the board of the existing fire district. We set up a new fire district board and it's governed by all the rules and terms of election of those fire districts."

Senator Pflug: "And that board is still elected by the entire...ok, thank you."

Senator Marr: "Right."

The President declared the question before the Senate to be the final passage of Senate Bill No. 6418.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6418, 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. 6805, by Senators Kastama, Zarelli, Shin and Delvin

Concerning the Washington state economic development commission.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 6805 was substituted for Senate Bill No. 6805 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and Delvin be adopted.

On page 1, line 12, after "commission," strike "state agencies other than the commission" and insert "the state agency serving as the commission's fiscal agent"

Senator Kastama 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 Kastama and Delvin on page 1, line 12 to Substitute Senate Bill No. 6805.

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

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 6805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6805.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6805 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6805, 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. 5041, by Senators Kilmer, Swecker, Hobbs, Shin, Kauffman, Franklin, Marr, Rockefeller, Haugen, Eide, Kastama and McAuliffe

Increasing state contracts with veteran-owned businesses. Revised for 1st Substitute: Concerning contracts with veteran-owned businesses.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5041 was not substituted for Senate Bill No. 5041 and the substitute bill was not adopted.

MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Fairley and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

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NEW SECTION. Sec. 1. The legislature recognizes the unique sacrifices made by veterans and the substantial challenges that returning veterans face after a period of military duty away from home. The legislature further recognizes that veterans who own private businesses may face particular hardships as a direct result of their military service. The purpose of this act is to mitigate economic damage to veteran-owned businesses as a result of military service, and to provide opportunities to them in recognition of the outstanding service they have given to their country.

Sec. 2. RCW 43.60A.010 and 2006 c 343 s 2 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs.
- (2) "Director" means the director of the department of veterans affairs.
- (3) "Committee" means the veterans affairs advisory committee.
- (4) "Board" means the veterans innovations program board.
- (5) "Goods and services" includes professional services and all other goods and services.
- (6) "Procurement" means the purchase, lease, or rental of any goods or services.
- (7) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions.
- (8) "Veteran-owned business" means a business that is certified by the department to be at least fifty-one percent owned and controlled by:
 - (a) A veteran as defined in RCW 41.04.007; or
 - (b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

NEW SECTION. Sec. 3. A new section is added to chapter 43.60A RCW to read as follows:

(1) The department shall develop a procedure for certifying veteran-owned businesses and maintain a list of veteran-owned businesses on the department's public web site.

(2) The department shall adopt rules necessary to implement this act. The department shall consult agencies to determine what specific information they must report to the department.

(3) The department shall collaborate with and may assist agencies in implementing outreach to veteran-owned businesses.

NEW SECTION. Sec. 4. A new section is added to chapter 43.60A RCW to read as follows:

(1) State agencies are encouraged to award three percent of all procurement contracts that are exempt from competitive bidding requirements under RCW 43.19.1906(2) to veteran-owned businesses certified by the department under section 3 of this act.

(2) State agencies shall:

(a) Perform outreach to veteran-owned businesses in collaboration with the department to increase opportunities for veteran-owned businesses to sell goods and services to the state; and

(b) Work to match agency procurement records with the department's database of certified veteran-owned businesses to establish how many procurement contracts are being awarded to those businesses.

NEW SECTION. Sec. 5. A new section is added to chapter 43.19 RCW to read as follows:

The department of general administration shall identify in the department's vendor registry all vendors that are veteran-owned businesses as certified by the department of veterans affairs under section 3 of this act.

Sec. 6. RCW 43.19.536 and 1983 c 120 s 13 are each amended to read as follows:

(1) All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All procurement contracts entered into under this chapter on or after the effective date of this act are subject to the requirements established under section 4 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

All procurement contracts entered into under this chapter on or after the effective date of this act are subject to the requirements established under section 4 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 39.04 RCW to read as follows:

All procurement contracts entered into under this chapter on or after the effective date of this act are subject to the requirements established under section 4 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 39.29 RCW to read as follows:

All procurement contracts entered into under this chapter on or after the effective date of this act are subject to the requirements established under section 4 of this act.

Sec. 10. RCW 39.80.040 and 1981 c 61 s 4 are each amended to read as follows:

In the procurement of architectural and engineering services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to insure that minority and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms and veteran-owned firms shall be consistent with their general availability within the professional communities involved.

Sec. 11. RCW 47.28.030 and 2007 c 218 s 90 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right-of-way purposes may be repaired or renovated pending the use of such right-of-way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof are less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars: **PROVIDED**, That when delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses(??) and veteran, minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating

services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. The rules adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

NEW SECTION. Sec. 12. This act is not intended to create a cause of action or entitlement in an individual or class of individuals."

Senators Kilmer and Roach 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 Kilmer, Fairley and Swecker to Senate Bill No. 5041.

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

MOTION

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

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5041.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Brandland

ENGROSSED SENATE BILL NO. 5041, 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. 6426, by Senators Prentice and Tom

Eliminating certain boards and commissions.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser and others be adopted.

On page 23, after line 26, strike all material down through and including line 7 on page 25.

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser and others on page 23, after line 26 to Substitute Senate Bill No. 6426.

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

MOTION

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

On page 1, line 5 of the title, strike "41.04.033, 41.04.0331, 41.04.0332,"

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller and others be adopted.

0)

On page 91, beginning on line 1, strike all material down through and including line 5.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Rockefeller and Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller and others on page 91, line 1 to Substitute Senate Bill No. 6426.

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

MOTION

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

On page 2, beginning on line 9 of the title, strike "adding a new section to chapter 43.147 RCW;"

MOTION

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

On page 97, after line 30, insert the following:

" Title and Registration Advisory Committee

NEW SECTION. Sec. 156. RCW 46.01.320 (Title and registration advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216 s 3 are each repealed.

Sec. 157. RCW 46.01.325 and 2005 c 319 s 116 are each amended to read as follows:

(1) The director shall prepare(~~(, with the advice of the title and registration advisory committee,)~~) an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions (~~(approved by the title and registration advisory committee)~~) to the senate and house transportation committees by January 1st of every third year starting with 1996. Fee revision recommendations may be made more frequently when justified by the annual analysis and evaluation(~~(, and requested by the title and registration advisory committee)~~).

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

(a) Unique and significant financial, legislative, or other relevant developments that may impact fees;

(b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;

(c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;

(d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;

(e) Appropriate indices projecting state and national growth in business and economic conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

Sec. 158. RCW 46.01.140 and 2005 c 343 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open,

competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director(~~(, developed with the advice of the title and registration advisory committee)~~).

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor(~~(, developed with the advice of the title and registration advisory committee)~~). The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional seventy-five cents, which must be collected and remitted to the state treasurer and distributed as follows:

(i) Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(ii) Twenty-five cents must be deposited into the license plate technology account created under RCW 46.16.685.

(5) A subagent shall collect a service fee of (a) ten dollars for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) four dollars for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen and others on page 97, after line 30 to Engrossed Substitute Senate Bill No. 6426.

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

MOTION

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

On page 1, line 13 of the title, after "43.60A.010," insert "46.01.325, 46.01.140,"

On page 2, line 28 of the title, after "43.131.405," insert "46.01.320,"

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6426.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hatfield, Jacobsen and Pridemore

ENGROSSED SUBSTITUTE SENATE BILL NO. 6426, 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. 6774, by Senator Marr

Addressing transportation benefit district governance. Revised for 1st Substitute: Concerning transportation benefit districts.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6774 was substituted for Senate Bill No. 6774 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 12, after "plans" strike all material through "levels))" on line 13, and insert "and necessitated by existing or reasonably foreseeable congestion levels"

Senators King and Marr 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 King and Marr on page 1, line 12 to Substitute Senate Bill No. 6774.

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

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 6774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and King 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. 6774.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6774 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6774, 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 3:59 p.m., on motion of Senator Eide, the Senate was recessed until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

MOTION

At 7:01 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:18 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 10, 2010

MR. PRESIDENT

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL 1357
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1560
- SECOND ENGROSSED HOUSE BILL 1876
- HOUSE BILL 1966

- SUBSTITUTE HOUSE BILL 2224
 - SUBSTITUTE HOUSE BILL 2404
 - HOUSE BILL 2428
 - HOUSE BILL 2437
 - HOUSE BILL 2461
 - HOUSE BILL 2470
 - SUBSTITUTE HOUSE BILL 2497
 - SUBSTITUTE HOUSE BILL 2514
 - SUBSTITUTE HOUSE BILL 2515
 - SUBSTITUTE HOUSE BILL 2516
 - SUBSTITUTE HOUSE BILL 2524
 - SUBSTITUTE HOUSE BILL 2533
 - HOUSE BILL 2575
 - HOUSE BILL 2592
 - SUBSTITUTE HOUSE BILL 2661
 - HOUSE BILL 2707
 - SUBSTITUTE HOUSE BILL 2717
 - ENGROSSED SUBSTITUTE HOUSE BILL 2753
 - HOUSE BILL 2848
 - SUBSTITUTE HOUSE BILL 3001
 - SUBSTITUTE HOUSE BILL 3039
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 10, 2010

MR. PRESIDENT

The House has passed:

- HOUSE BILL 1830
 - SUBSTITUTE HOUSE BILL 1831
 - ENGROSSED SUBSTITUTE HOUSE BILL 1956
 - HOUSE BILL 2271
 - SUBSTITUTE HOUSE BILL 2457
 - SUBSTITUTE HOUSE BILL 2636
 - SUBSTITUTE HOUSE BILL 2651
 - SUBSTITUTE HOUSE BILL 2684
 - SUBSTITUTE HOUSE BILL 2686
 - SUBSTITUTE HOUSE BILL 2775
 - SUBSTITUTE HOUSE BILL 3003
 - SUBSTITUTE HOUSE BILL 3046
 - SUBSTITUTE HOUSE BILL 3066
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 10, 2010

MR. PRESIDENT

The House has passed:

- SUBSTITUTE HOUSE BILL 1913
- SUBSTITUTE HOUSE BILL 2429
- SUBSTITUTE HOUSE BILL 2555
- SUBSTITUTE HOUSE BILL 2556
- HOUSE BILL 2598
- SUBSTITUTE HOUSE BILL 2657
- HOUSE BILL 2817
- SUBSTITUTE HOUSE BILL 2841
- HOUSE BILL 2861
- HOUSE BILL 2888
- HOUSE BILL 2904
- HOUSE BILL 2942

HOUSE BILL 2947
 HOUSE BILL 2996
 SUBSTITUTE HOUSE BILL 2997
 SUBSTITUTE HOUSE BILL 3016
 SUBSTITUTE HOUSE BILL 3036
 HOUSE BILL 3061
 HOUSE BILL 3095
 SUBSTITUTE HOUSE BILL 3105
 SUBSTITUTE HOUSE BILL 3145

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brandland moved that Gubernatorial Appointment No. 9069, Craig Lee, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator Brandland spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

APPOINTMENT OF CRAIG LEE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9069, Craig Lee as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9069, Craig Lee as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

Gubernatorial Appointment No. 9069, Craig Lee, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

MOTION

On motion of Senator Marr, Senator Brown was excused.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

SECOND READING

SENATE BILL NO. 6346, by Senators Ranker, Haugen, Regala, Rockefeller, Pridemore, Marr, King, Fraser, Swecker, Kilmer, Shin, Tom, Kohl-Welles and Kline

Expanding the use of certain electric vehicles.

MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 6346 was substituted for Senate Bill No. 6346 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 6346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker 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. 6346.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6346 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and McCaslin

SUBSTITUTE SENATE BILL NO. 6346, 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. 6356, by Senators Kilmer, Swecker, Rockefeller and Kastama

Limiting access to law enforcement and emergency equipment and vehicles.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6356 was substituted for Senate Bill No. 6356 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 6356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6356.

ROLL CALL

THIRTY FIRST DAY, FEBRUARY 10, 2010

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 6356 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and McCaslin

SUBSTITUTE SENATE BILL NO. 6356, 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. 6342, by Senators Swecker, Hobbs, Franklin, Carrell, McDermott, Pridemore, Marr, Shin and Fairley

Concerning the Washington soldiers' home.

MOTION

On motion of Senator Swecker, Substitute Senate Bill No. 6342 was substituted for Senate Bill No. 6342 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, beginning on line 13, strike all material through "plans." on line 19 and insert the following:

"(3) All long-term leases of the soldiers' home property shall be subject to the requirements of RCW 43.82.010, except that the duration of such leases shall not exceed twenty years unless authorized through the approval process under subsection (4) of this section. However, no long-term lease shall exceed a maximum of seventy-five years.

(4) Before the commencement of any project authorized under this section, the Orting city council and joint committee on veterans' and military affairs must independently approve a final proposal, specifying (a) the lease terms, if applicable, and (b) the development plans."

Senator Roach spoke in favor of adoption of the amendment.

Senators Hobbs, Becker and Fairley spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 13 to Substitute Senate Bill No. 6342.

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

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 6342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Benton, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6342.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6342 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators McCaslin and Roach

SUBSTITUTE SENATE BILL NO. 6342, 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. 6344, by Senators Fairley, Prentice, Hargrove, Kauffman, Marr and McDermott

Establishing contribution limits for city council campaigns. Revised for 1st Substitute: Concerning campaign contribution limits.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6344 was substituted for Senate Bill No. 6344 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

Senators Brandland and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6344.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6344 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Brandland, Carrell, Holmquist, Honeyford, King, Morton, Roach and Stevens

Excused: Senator McCaslin
 SUBSTITUTE SENATE BILL NO. 6344, 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. 6515, by Senators Kastama, Kilmer and Shin

Refocusing the department of commerce, including transferring programs.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 6515 was substituted for Senate Bill No. 6515 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.
 Senator Kohl-Welles spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Kauffman, Keiser and Kohl-Welles
 Excused: Senator McCaslin

SECOND SUBSTITUTE SENATE BILL NO. 6515, 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. 6629, by Senators Oemig and McAuliffe

Convening a working group to make recommendations defining a basic education program for highly capable students.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6629 was substituted for Senate Bill No. 6629 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6629.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6629 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6629, 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. 6604, by Senators Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline

Providing flexibility in the education system.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6604 was substituted for Senate Bill No. 6604 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Beginning on page 3, after line 19, strike all of section 3.
 Renumber the sections consecutively and correct any internal references accordingly.

Senators Kauffman and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kauffman and others on page 3, after line 19 to Substitute Senate Bill No. 6604.

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

MOTION

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

On page 1, line 2 of the title, after "28A.210.080", strike "28A.215.010"

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Haugen be adopted:

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0) Beginning on page 14, after line 22, strike all of sections 15 and 16

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

On page 1, beginning on line 4 of the title, after "28A.320.160," strike "28A.345.020, 28A.345.050,"

Senators McAuliffe and Haugen spoke in favor of adoption of the amendment.

Senators Tom and Honeyford spoke against adoption of the amendment.

Senator McDermott spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 14, after line 22 to Substitute Senate Bill No. 6604.

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

MOTION

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

On page 24, beginning on line 12, after "(1)", strike all material through "(2)" on line 15.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 6 of the title, strike "28A.210.130"

Senator Franklin spoke in favor of adoption of the amendment.

Senators Hobbs and Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 24, line 12 to Substitute Senate Bill No. 6604.

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

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6604 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

POINT OF INQUIRY

Senator Roach: "So, I want to know, we had a lot of discussion in the Senate Education Committee and one of the discussions we had was removing the requirement to have eyes checked. Looking at the content of this bill do we still have a requirement that school districts checks for eyes, vision?"

Senator Hobbs: "Yes Senator, as I recall from, yeah, I know the committee is laughing at this particular moment, but anyway, yes, we did have an amendment to remove that portion from the bill."

Senator Roach: "Ok, so we're good on that?"

Senator Hobbs: "We are. We are good, we're good."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6604.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6604 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, 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. 6643, by Senators Schoesler, Sheldon, Hewitt, Brown, Honeyford, Parlette, McAuliffe and Shin

Regarding compliance reports for second-class school districts.

The measure was read the second time.

MOTION

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

On page 2, at the beginning of line 17, insert "(1)"

On page 2, after line 30, insert the following:

"(4) For the purposes of this section, compliance requests do not include data requests required to be submitted in accordance with federal or state law, including data for a comprehensive K-12 education data improvement system."

Senator Oemig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oemig and King on page 2, line 17 to Senate Bill No. 6643.

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

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 6643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6643.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6643 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and McCaslin

ENGROSSED SENATE BILL NO. 6643, 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. 6130, by Senator Prentice

Relating to fiscal matters. Revised for 1st Substitute: Amending provisions related to Initiative Measure No. 960.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6130 was substituted for Senate Bill No. 6130 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.135 RCW to read as follows:

In order to preserve funding for education, public safety, health care, and safety net services for elderly, disabled, and vulnerable people, it is the intent of the legislature to provide a means to stabilize revenue collections.

Sec. 2. RCW 43.135.031 and 2008 c 1 s 2 are each amended to read as follows:

(1) After July 1, 2011, for any bill introduced in either the house of representatives or the senate that raises taxes as defined by RCW 43.135.035 or increases fees, the office of financial management must expeditiously determine its cost to the taxpayers in its first ten years of imposition, must promptly and without delay report the results of its analysis by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. Any ten-year cost projection must include a year-by-year breakdown. For any bill containing more than one revenue source, a ten-year cost projection for each revenue source will be included along with the bill's total ten-year cost projection. The press release shall include the names of the legislators, and their contact information, who are sponsors and cosponsors of the bill so they can provide information to, and answer questions from, the public.

(2) After July 1, 2011, any time any legislative committee schedules a public hearing on a bill that raises taxes as defined by RCW 43.135.035 or increases fees, the office of financial management must promptly and without delay report the results of

its most up-to-date analysis of the bill required by subsection (1) of this section and the date, time, and location of the hearing by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. The press release required by this subsection must include all the information required by subsection (1) of this section and the names of the legislators, and their contact information, who are members of the legislative committee conducting the hearing so they can provide information to, and answer questions from, the public.

(3) After July 1, 2011, each time a bill that raises taxes as defined by RCW 43.135.035 or increases fees is approved by any legislative committee or by at least a simple majority in either the house of representatives or the senate, the office of financial management must expeditiously reexamine and redetermine its ten-year cost projection due to amendment or other changes during the legislative process, must promptly and without delay report the results of its most up-to-date analysis by public press release via e-mail to each member of the house of representatives, each member of the senate, the news media, and the public, and must post and maintain these releases on its web site. Any ten-year cost projection must include a year-by-year breakdown. For any bill containing more than one revenue source, a ten-year cost projection for each revenue source will be included along with the bill's total ten-year cost projection. The press release shall include the names of the legislators, and their contact information, and how they voted on the bill so they can provide information to, and answer questions from, the public.

(4) For the purposes of this section, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address.

(5) For the purposes of this section, "news media" means any member of the press or media organization, including newspapers, radio, and television, that signs up with the office of financial management to receive the public press releases by e-mail.

(6) For the purposes of this section, "the public" means any person, group, or organization that signs up with the office of financial management to receive the public press releases by e-mail.

Sec. 3. RCW 43.135.035 and 2009 c 479 s 36 are each amended to read as follows:

(1) After July 1, ((1995)) 2011, any action or combination of actions by the legislature that raises taxes may be taken only if approved by a two-thirds vote of each house of the legislature, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. Pursuant to the referendum power set forth in Article II, section 1(b) of the state Constitution, tax increases may be referred to the voters for their approval or rejection at an election.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

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(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to: (a) The dedication or use of lottery revenues under RCW 67.70.240(3), in support of education or education expenditures; or (b) a transfer of moneys to, or an expenditure from, the budget stabilization account.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift unless the shifted revenue had previously been shifted from the general fund.

(6) For the purposes of chapter 1, Laws of 2008, "raises taxes" means any action or combination of actions by the legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

Sec. 4. RCW 43.135.041 and 2008 c 1 s 6 are each amended to read as follows:

(1)(a) After July 1, 2011, if legislative action raising taxes as defined by RCW 43.135.035 is blocked from a public vote or is not referred to the people by a referendum petition found to be sufficient under RCW 29A.72.250, a measure for an advisory vote of the people is required and shall be placed on the next general election ballot under chapter 1, Laws of 2008.

((#)) (b) If legislative action raising taxes enacted after July 1, 2011, involves more than one revenue source, each tax being increased shall be subject to a separate measure for an advisory vote of the people under the requirements of chapter 1, Laws of 2008.

(2) No later than the first of August, the attorney general will send written notice to the secretary of state of any tax increase that is subject to an advisory vote of the people, under the provisions and exceptions provided by chapter 1, Laws of 2008. Within five days of receiving such written notice from the attorney general, the secretary of state will assign a serial number for a measure for an

advisory vote of the people and transmit one copy of the measure bearing its serial number to the attorney general as required by RCW 29A.72.040, for any tax increase identified by the attorney general as needing an advisory vote of the people for that year's general election ballot. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this subsection.

(3) For the purposes of this section, "blocked from a public vote" includes adding an emergency clause to a bill increasing taxes, bonding or contractually obligating taxes, or otherwise preventing a referendum on a bill increasing taxes.

(4) If legislative action raising taxes is referred to the people by the legislature or is included in an initiative to the people found to be sufficient under RCW 29A.72.250, then the tax increase is exempt from an advisory vote of the people under chapter 1, Laws of 2008.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

MOTION

Senator Zarelli moved that the following amendment by Senator Hewitt and others to the striking amendment be adopted.

On page 1, beginning on line 9, strike all of section 2.

Re-number the sections consecutively and correct any internal references accordingly.

On page 6, line 3 of the title amendment, after "RCW" strike "43.135.031,"

Senators Zarelli, Pflug, Roach, Benton and Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Tom spoke against adoption of the amendment to the striking amendment.

Senator Schoesler 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 Hewitt and others on page 1, line 9 to the striking amendment to Substitute Senate Bill No. 6130.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hewitt and others to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator McCaslin

MOTION

Senator Carrell moved that the following amendment by Senator Carrell and others to the striking amendment be adopted.

On page 4, beginning on line 36, strike all of section 4.

Renumber the sections consecutively and correct any internal references accordingly.

On page 6, line 3 of the title amendment, after "43.135.031," strike "43.135.035, and 43.135.041" and insert "and 43.135.035"

Senators Carrell, Roach, Delvin, Benton and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senator Tom spoke against adoption of the amendment to the striking amendment.

Senator Carrell spoke again on adoption of the amendment to the striking amendment.

REMARKS BY THE PRESIDENT

President Owen: "Senator Carrell, the President, your time is not up but the President is going to remind you and other members that you're walking very, very tightly, close to impugning and questioning the motivation of the members of this body and, as your own rules require, they're to speak to the merits of the bill not the motivations or the intent of the members. Senator Carrell, we will deduct my comments not from your time but we will add that back."

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell and others on page 4, line 36 to the striking amendment to Substitute Senate Bill No. 6130.

The motion by Senator Carrell failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton and others to the striking amendment be adopted.

On page 5, after line 30, insert the following:

"**Sec. 5.** RCW 29A.32.070 and 2009 c 415 s 5 are each amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The voters' pamphlet must provide the following information for each statewide issue on the ballot except measures for an advisory vote of the people whose requirements are provided in subsection (11) of this section:

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

(7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

(8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

(9) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

(10) The full text of *the measure;

(11) Two pages shall be provided in the general election voters' pamphlet for each ~~((measure for an advisory vote of the people under RCW 43.135.041))~~ legislative action raising taxes as defined by RCW 43.135.035 and shall consist of ~~((the serial number assigned by the secretary of state under RCW 29A.72.040, the))~~ a short description formulated by the attorney general ~~((under RCW 29A.72.283))~~, the tax increase's most up-to-date ten-year cost projection, including a year-by-year breakdown, by the office of financial management under RCW 43.135.031, and the names of the legislators, and their contact information, and how they voted on the increase upon final passage so they can provide information to, and answer questions from, the public. For the purposes of this subsection, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address."

Renumber the sections consecutively and correct any internal references accordingly.

NEW SECTION. Sec. 6. Section 5 of this act expires July 1, 2011.

On page 6, line 3 of the title amendment, after "amending RCW", insert "29A.32.070"

Senators Benton, Pflug, Roach and Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator Hargrove spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton and others on page 5, after line 30 to the striking amendment to Substitute Senate Bill No. 6130.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland and others to the striking amendment be adopted.

On page 5, after line 30, strike all of section 5.

Renumber the sections consecutively and correct any internal references accordingly.

On page 6, line 4 of the title amendment, after "43.135.041;" strike the remainder of the title amendment and insert "and declaring an emergency."

Senator Brandland spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland and others on page 5, after line 30 to the striking amendment to Substitute Senate Bill No. 6130.

The motion by Senator Brandland failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Substitute Senate Bill No. 6130.

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

MOTION

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

On page 1, line 1 of the title, after "ACT" strike the remainder of the title and insert "Relating to amending provisions related to Initiative No. 960; amending RCW 43.135.031, 43.135.035, and 43.135.041; adding a new section to chapter 43.135 RCW; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Brown, Shin, Franklin and Gordon spoke in favor of passage of the bill.

Senators Zarelli, Sheldon, Schoesler, Delvin, Holmquist, Pflug, King, Honeyford, Stevens, Brandland, Roach and Benton spoke against passage of the bill.

Senators Jacobsen and Swecker spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6130 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6130 was immediately transmitted to the House of Representatives.

MOTION

At 11:13 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, February 11, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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