

FIFTY FIRST DAY

MORNING SESSION

MESSAGE FROM THE HOUSE

Senate Chamber, Olympia, Tuesday, February 28, 2012

February 27, 2012

The Senate was called to order at 11:15 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 Brown, Hewitt, Prentice and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Raymond Porter and Nathan Williams, presented the Colors. Reverend Eugene W. Wiegman Professor of Church History-Emeritus at Covenant Bible Seminar of Lakewood offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5259,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620,
 SUBSTITUTE SENATE BILL NO. 6005,
 SENATE BILL NO. 6030,
 SENATE BILL NO. 6108,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5627,
 SENATE BILL NO. 5913,
 SUBSTITUTE SENATE BILL NO. 6100,
 ENGROSSED SENATE BILL NO. 6141,
 SENATE BILL NO. 6172,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6252,
 SUBSTITUTE SENATE BILL NO. 6258,
 SENATE BILL NO. 6289,
 SUBSTITUTE SENATE BILL NO. 6295,
 SUBSTITUTE SENATE BILL NO. 6315,
 SENATE BILL NO. 6566,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6121.
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6628 by Senators Kline, Kohl-Welles and Regala

AN ACT Relating to reckless endangerment resulting from unsafe storage of firearms; amending RCW 9A.36.050 and 9.41.070; and prescribing penalties.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

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
 8685

By Senators Pflug, McAuliffe, Fain, Eide, Carrell, Honeyford, Delvin, Benton, Stevens, Becker, Ericksen, Parlette, Hewitt, King, and Zarelli

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

WHEREAS, On Saturday, January 7, 2012, the state "*We The People*" competition was once again won by the team from Tahoma Senior High School – the school's 16th championship in 17 years; and

WHEREAS, From April 27th to May 1st these students will represent their state at the 25th Anniversary *We The People* National Finals in Washington, D.C., where they surely will uphold the standard of excellence for which Tahoma Senior High School is known; and

WHEREAS, Just as these students are inspired to immerse themselves in the United States Constitution and Bill of Rights, their extraordinary knowledge of the Constitution and formidable debate skills have inspired those who watched them progress to the level of state champions; and

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

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

WHEREAS, Studies have shown that 80 percent of high school seniors participating in this program have registered to vote, compared to an average of 37 percent among other high school seniors, proof that *We The People* promotes a greater interest in participating in government; and

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

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor these "warriors of the Constitution": Nathan Farnsworth, Sarah Fuller, Mark Gato, Katie Hartke, Matt Horne, Kristen Jamieson, Oliver Kombol, Kaitlin Lowe, Emily Martin, Allannah Miller, Sadie Nelson, Emily Page, Julianne Reilly, Thomas Reinhard, Justin Ross, Lora Sonnen, Grace Taylor, Kendall Thiele, Clara Tibbetts, Harrison Waldock, Caitlyn Ward, and Barrett Weston; and

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, team advisor Gretchen Wulfling, 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 and Pridemore spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

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

PERSONAL PRIVILEGE

Senator Fraser: "Mr. President, today is February 28 which is quite a memorable day here. We note the bouquet on Senator Eide's desk is bigger again this year, her annual wedding anniversary. Eleven years ago today was her twenty-fifth wedding anniversary and we really rocked. We had the Nisqually Earthquake and I just wanted to make a note today is the eleventh anniversary of the big Nisqually Earthquake. A number of us were here, were present. We were in caucus at the time. It was somewhere around this time of day. Pieces started coming down from the ceiling and the dome lifted up to zero gravity and moved. It was quite an enormous experience. The building was closed for two years, it's nicely redecorated, I remember one irony is at the time we were looking at remodeling the building for improved air circulation and computer wires and so forth. A big debate going on. Could we close like one floor at a time?, Could we close one area at a time? Oh no we can't do that. It would be too difficult to be out of the building. And then the earthquake came and we were out two years. But we had a good

time in our temporary quarters and I just wanted to make an historic note this morning. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the 'We the People' group from Tahoma High School who were seated in the gallery.'

PERSONAL PRIVILEGE

Senator Eide: "Well, it is my anniversary today and thank you very much for the well wishes but it's also Senator Pflug's birthday and its Senator Swecker's birthday and Lisa Brown's sons birthday, Lucas. So, today is a great day and I think it's also Michael Temple's birthday and it's Tom's dad's birthday, is it not, Tom Hoemann's so it's a glorious day so happy birthday to everyone."

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. Well, it is my birthday and we did have the earthquake eleven years ago and when I talked with my mother and explained the state of my office, she said 'Well dear I guess you know that there's likely to be a cosmic action if you turn thirty-nine too many years in a row. So I just wanted you to know that I have given up that practice and hopefully we will get through the day unharmed.'"

POINT OF ORDER

Senator Pridemore: "I believe that the recognition of these members birthdays should be included under Old Business."

MOTION

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

MOTION

On motion of Senator Harper, Senators Brown, Hargrove and Murray were excused.

MOTION

On motion of Senator Ericksen, Senators Hewitt and Zarelli were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rolfes moved that Gubernatorial Appointment No. 9057, Edmund Kiley, as a member of the Board of Pilotage Commissioners, be confirmed.

Senator Rolfes spoke in favor of the motion.

APPOINTMENT OF EDMUND KILEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9057, Edmund Kiley as a member of the Board of Pilotage Commissioners.

FIFTY FIRST DAY, FEBRUARY 28, 2012

2012 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9057, Edmund Kiley as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Prentice

Excused: Senators Brown, Hewitt and Zarelli

Gubernatorial Appointment No. 9057, Edmund Kiley, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

PERSONAL PRIVILEGE

Senator Kastama: "Mr. President, with your permission I would like to introduce Catherine Becker, the young lady who was just swinging the gavel a few seconds ago and with your permission I would like to read a biography of Catherine Becker. Thank you Mr. President, for all my constituents and all my colleagues, so they know who Catherine Becker is, let me just read a little bit about her background and why she's here today. Catherine Becker is ten years old and resides in Midland, Washington with her parents and her older sister. She is a fourth grade student at Brookdale Elementary in the Franklin Pierce School District. She is an Excel, which is a highly capable student program. She's in that program and participates in basketball and Choir. Catherine is a Voracious reader who has a love for animals of all kinds. Unfortunately, her parents still refuse to get her a tarantula. Although, they are letting her hatch salamander eggs. From the age of three, Catherine and her mother have visited our capital every summer. And every summer Catherine has wanted to meet the Lieutenant Governor, Brad Owen. This year they were able to make the trip during the legislative session, last week, but the Lieutenant Governor was unavailable any time and they were unable to see him when they went to his office. Going home, Catherine's mom called the Lieutenant Governor's assistant who invited them to come back down here today. Catherine was able to meet privately with the Lieutenant Governor at which point he invited her to come back again today. It was the highlight of her year. She knew has decided three things. Number one; Lieutenant Governor Brad Owen is one of her favorite people because he is so nice, we all know that. Number two; she can't wait till she's thirteen and can come back as a personal page for the Lieutenant Governor; and, finally, she will be the first female Lieutenant Governor in the state of Washington. I think some of the people may try to argue with that but nevertheless we wish her the best. With that, thank you for being here. Welcome to the Senate Chamber."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Honeyford moved that Gubernatorial Appointment No. 9017, Sondra Clark, as a member of the Columbia River Gorge Commission, be confirmed.

Senator Honeyford spoke in favor of the motion.

MOTION

On motion of Senator Frockt, Senator Prentice was excused.

APPOINTMENT OF SONDRA CLARK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9017, Sondra Clark as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9017, Sondra Clark as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Brown, Hewitt, Prentice and Zarelli

Gubernatorial Appointment No. 9017, Sondra Clark, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

SIGNED BY THE PRESIDENT

The President signed:

- SENATE BILL NO. 5259,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620,
- SUBSTITUTE SENATE BILL NO. 5627,
- SENATE BILL NO. 5913,
- SUBSTITUTE SENATE BILL NO. 6005,
- SENATE BILL NO. 6030,
- SUBSTITUTE SENATE BILL NO. 6100,
- SENATE BILL NO. 6108,
- SUBSTITUTE SENATE BILL NO. 6121,
- ENGROSSED SENATE BILL NO. 6141,
- SENATE BILL NO. 6172,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6251,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6252,
- SUBSTITUTE SENATE BILL NO. 6258,
- SENATE BILL NO. 6289,
- SUBSTITUTE SENATE BILL NO. 6295,
- SUBSTITUTE SENATE BILL NO. 6315,
- SENATE BILL NO. 6566,
- SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President, ladies and gentleman of the Senate. It's come to my attention, as it has to many of you, that a friend of the Senate and a friend of the great state of Washington and a great friend of this country, Buck Compton, who was here and who received recognition just a few short years ago for his accomplishments not only during World War II and where he was memorialized in the famous movie 'Band of Brothers' for participating in his efforts of operation Market Garden and also in the 'Battle of the Bulge' who went on then to become the Prosecuting Attorney in Los Angeles who prosecuted Sirhan Sirhan for the assassination of Robert F. Kennedy and who was here just, in this chamber, a few years ago where we honored him with a resolution. Mr. President, I'm sorry

to have to report to you and my colleagues here today on Saturday, at the ripe age of ninety, Buck Compton a great man passed on. Mr. President, I believe a moment of silence would be appropriate.”

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory and honor of Lynn D. "Buck" Compton, who passed away February 25, 2012 in Burlington Washington.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1860, by House Committee on General Government Appropriations & Oversight (originally sponsored by Representative Hurst)

Regarding partisan elections.

The measure was read the second time.

MOTION

On motion of Senator Eide, further consideration of Engrossed Third Substitute House Bill No. 1860 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2362, by Representatives Haler, Blake and Chandler

Regarding wine producer liens.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 2362 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 House Bill No. 2362.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2362 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Brown, Prentice and Zarelli

HOUSE BILL NO. 2362, 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

SUBSTITUTE HOUSE BILL NO. 2367, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Buys, Lytton, Chandler, Blake, Fagan, Wilcox and Overstreet)

Regarding the dairy products commission.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 2367 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 House Bill No. 2367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2367 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Prentice and Zarelli

SUBSTITUTE HOUSE BILL NO. 2367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Roach moved that Gubernatorial Appointment No. 9053, Stephen Johnson, as a member of the Board of Tax Appeals, be confirmed.

Senator Roach spoke in favor of the motion.

APPOINTMENT OF STEPHEN JOHNSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9053, Stephen Johnson as a member of the Board of Tax Appeals.

FIFTY FIRST DAY, FEBRUARY 28, 2012

2012 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9053, Stephen Johnson as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators McAuliffe and Sheldon

Gubernatorial Appointment No. 9053, Stephen Johnson, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

The Senate resumed consideration of Engrossed Third Substitute House Bill No. 1860 which had been deferred earlier in the day

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 United States district court, western district of Washington, ruled that Washington's method of electing political party precinct committee officers is unconstitutional based on the associational rights of political parties. The court stated that Washington may decide to implement elections for precinct committee officer in a manner not yet conceived but ultimately satisfactory to the political parties. Washington may even implement these elections in a way that severely burdens the political parties' associational rights but does so in a manner narrowly tailored to serve a compelling governmental interest. The major political parties stated in court that they might be satisfied of party membership if a voter affirms affiliation with the particular party. Toward this end, the legislature has worked closely with the major political parties to develop a system of electing precinct committee officers that the parties support, that will protect the secrecy of the ballot, and will not increase burdens placed on local election officials. Therefore, it is the intent of the legislature to remedy the unconstitutional method of selecting precinct committee officers by implementing a provision requiring voters to affirm an affiliation with the appropriate party in order to vote in a race for precinct committee officer in that party. The legislature finds that the office of precinct committee officer itself is both a constitutionally recognized and authorized office with certain duties outlined in state law and the state Constitution.

Sec. 2. RCW 29A.24.311 and 2011 c 349 s 13 are each amended to read as follows:

(1) Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day ballots must be mailed according to RCW 29A.40.070. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.091.

(2) Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by major political parties pursuant to RCW 29A.28.021 need only specify the name of the candidate in the appropriate location on the

ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if the manner in which the write-in is done does not make the office or position clear.

(3) No person may file as a write-in candidate where:

((+)) (a) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

((2)) (b) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committee person;

((3)) (c) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committee person;

(d) The office filed for is committee precinct officer.

(4) The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.52 RCW to read as follows:

(1) The office of precinct committee officer must be voted upon at the primary election in each even-numbered year. If no one files for the office, the office shall be filled in accordance with RCW 29A.28.071. If, after the last day to withdraw, only one candidate has filed for the office in a precinct, that candidate is deemed elected and the auditor shall issue a certificate of election. Only contested races may appear on the ballot.

(2) The ballot format may be either a consolidated ballot or a physically separate ballot. If a consolidated ballot is used, the races for precinct committee officer must be clearly delineated from other races on the ballot. If a physically separate ballot is used, it must be distinguishable from the top two primary ballot. If the ballot is returned in the return envelope provided, but outside of the security envelope, it shall not be grounds to invalidate the ballot.

(3) The following instructions must appear on the ballot: "In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(4) Party affiliation is affirmed by including the following statement after the name of each candidate: "I affirm I am a Democrat." if the candidate is a Democrat, or "I affirm I am a Republican." if the candidate is a Republican.

(5) If a voter votes for candidates from both parties, the votes cast in the election for precinct committee officer on that ballot will not be tabulated and reported.

Sec. 4. RCW 29A.60.021 and 2005 c 243 s 12 are each amended to read as follows:

(1) For any office, except precinct committee officer, at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to

RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office or position will be accepted if the canvassing board can determine, to its satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected.

(5) In the case of write-in votes for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

Sec. 5. RCW 29A.80.051 and 2004 c 271 s 149 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer. The office must be voted upon at the primaries, and the names of all candidates in contested races must appear under the proper party and office designations on the ballot for the primary for each even-numbered year(~~and the one~~). The candidate receiving the highest number of votes will be declared elected. (~~However, to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct.~~) The term of office of precinct committee officer is two years, commencing the first day of December following the primary.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. 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 Pridemore spoke in favor of adoption of the striking amendment.

Senator Sheldon: "Mr. President, I had an amendment? I don't know if it's been, I see it coming out right now and I believe that it should be written to the striking amendment if I could be allowed to submit that? It's just an administration snafu."

MOTION

On motion of Senator Harper, Senators Brown and McAuliffe were excused.

MOTION

On motion of Senator Ericksen, Senator Carrell was excused.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon to the striking amendment be adopted:

On page 5, beginning on line 16 of the amendment, strike all of section 7

On page 5, beginning on line 22 of the title amendment, after "RCW;" strike the remainder of the title amendment and insert "and creating a new section."

Senator Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore 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 Sheldon on page 5, line 16 to the striking amendment to Engrossed Third Substitute House Bill No. 1860.

The motion by Senator Sheldon 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 Pridemore to Engrossed Third Substitute House Bill No. 1860.

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 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 29A.24.311, 29A.60.021, and 29A.80.051; adding a new section to chapter 29A.52 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Third Substitute House Bill No. 1860 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Roach and Prentice spoke in favor of passage of the bill.

Senator Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1860 as amended by the Senate.

PARLIAMENTARY INQUIRY

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1860 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield, Morton, Parlette and Sheldon
Excused: Senator Brown

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1860 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1194, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Kelley and Ladenburg)

Continuing to determine bail for the release of a person arrested and detained for a felony offense on an individualized basis by a judicial officer. Revised for 1st Substitute: Concerning bail for the release of a person arrested and detained for a class A or B felony offense.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1194 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 House Bill No. 1194.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1194 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE HOUSE BILL NO. 1194, 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 Ericksen, Senators Hewitt and Zarelli were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1559, by House Committee on Judiciary (originally sponsored by Representatives Haigh, Dammeier and Goodman)

Limiting indemnification agreements involving design professionals.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.115 and 2011 c 336 s 95 are each amended to read as follows:

(1) A covenant, promise, agreement, or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, a contract or agreement for architectural, landscape architectural, engineering, or land surveying services, or a motor carrier transportation contract, purporting to indemnify, including the duty and cost to defend, against liability for damages arising out of such services or out of bodily injury to persons or damage to property:

(a) Caused by or resulting from the sole negligence of the indemnitee, his or her agents or employees is against public policy and is void and unenforceable;

(b) Caused by or resulting from the concurrent negligence of (i) the indemnitee or the indemnitee's agents or employees, and (ii) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after June 11, 1986.

(2) As used in this section, a "motor carrier transportation contract" means a contract, agreement, or understanding covering: (a) The transportation of property for compensation or hire by the motor carrier; (b) entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (c) a service incidental to activity described in (a) or (b) of this subsection, including, but not limited to, storage of property, moving equipment or trailers, loading or unloading, or monitoring loading or unloading. "Motor carrier transportation contract" shall not include agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

Committee on Labor, Commerce & Consumer Protection to Substitute House Bill No. 1559.

The motion by Senator Kohl-Welles carried and the committee 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 "professionals;" strike the remainder of the title and insert "and amending RCW 4.24.115."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1559 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Harper spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1559 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1559 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Regala

Excused: Senators Brown, Hewitt and Zarelli

SUBSTITUTE HOUSE BILL NO. 1559 as amended by the Senate, 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

SECOND SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Judiciary (originally sponsored by Representatives Frockt, Kenney, Reykdal, Rolfes, Probst, Goodman, Maxwell, McCoy, Jacks, Jinkins, Ryu, Kagi, Ladenburg, Stanford, Hasegawa, Fitzgibbon, Blake, Billig, Roberts, Clibborn, Ormsby, Moscoso, Hudgins and Liias)

Regarding electronic impersonation.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 1652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1652.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1652 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 1652, 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 Harper, Senator Regala was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2252, by House Committee on Transportation (originally sponsored by Representative Fitzgibbon)

Concerning proof of payment for certain transportation fares.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.58.580 and 2008 c 123 s 1 are each amended to read as follows:

(1) Persons traveling on public transportation operated by a metropolitan municipal corporation or a city-owned transit system shall pay the fare established by the metropolitan municipal corporation or the city-owned transit system and shall produce proof of payment in accordance with the terms of use established by the metropolitan municipal corporation or the city-owned transit system. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment. The required manner of producing proof of payment specified in the terms of use established by the metropolitan municipal corporation or the city-owned transit system may include, but is not limited to, requiring a person using an electronic fare payment card to validate the card by presenting the card to an electronic card reader before or upon entering a public transportation vehicle or a restricted fare paid area.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by a metropolitan municipal corporation or a city-owned transit system under RCW 35.58.585:

(a) Failure to pay the required fare, except when a metropolitan municipal corporation or a city-owned transit system under RCW

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35.58.585 fails to meet the requirements of subsection (3) of this section;

(b) Failure to ~~((display))~~ produce proof of payment in the manner required by the terms of use established by the metropolitan municipal corporation or the city-owned transit system including, but not limited to, the failure to produce a validated fare payment card when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

(3) If fare payment is required before entering a transit vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare paid area in a transit facility, as defined in RCW 9.91.025(2)(a), signage must be conspicuously posted at the place of boarding or within ten feet of the nearest entrance to a transit facility that clearly indicates: (a) The locations where tickets or fare media may be purchased; and (b) that a person using an electronic fare payment card must present the card to an electronic card reader before entering a transit vehicle or before entering a restricted fare paid area.

Sec. 2. RCW 36.57A.230 and 2008 c 123 s 6 are each amended to read as follows:

(1) Persons traveling on public transportation operated by a public transportation benefit area shall pay the fare established by the public transportation benefit area and shall produce proof of payment in accordance with the terms of use established by the public transportation benefit area. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment. The required manner of producing proof of payment specified in the terms of use established by the public transportation benefit area may include, but is not limited to, requiring a person using an electronic fare payment card to validate the card by presenting the card to an electronic card reader before or upon entering a public transportation vehicle or a restricted fare paid area.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by a public transportation benefit area under RCW 36.57A.235:

(a) Failure to pay the required fare, except when a public transportation benefit area fails to meet the requirements of subsection (3) of this section;

(b) Failure to ~~((display))~~ produce proof of payment in the manner required by the terms of use established by the public transportation benefit area including, but not limited to, the failure to produce a validated fare payment card when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment.

(3) If fare payment is required before entering a transit vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare paid area in a transit facility, as defined in RCW 9.91.025(2)(a), signage must be conspicuously posted at the place of boarding or within ten feet of the nearest entrance to a transit facility that clearly indicates: (a) The locations where tickets or fare media may be purchased; and (b) that a person using an electronic fare payment card must present the card to an electronic card reader before entering a transit vehicle or before entering a restricted fare paid area.

Sec. 3. RCW 81.112.220 and 2009 c 279 s 6 are each amended to read as follows:

(1) Persons traveling on facilities operated by an authority shall pay the fare established by the authority and shall produce proof of payment in accordance with the terms of use established by the authority. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment. The required manner of producing proof of payment specified in the

terms of use established by the authority may include, but is not limited to, requiring a person using an electronic fare payment card to validate the card by presenting the card to an electronic card reader before or upon entering a public transportation vehicle or a restricted fare paid area.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by the authority under RCW 81.112.210(1):

(a) Failure to pay the required fare, except when the authority fails to meet the requirements of subsection (3) of this section;

(b) Failure to ~~((display))~~ produce proof of payment in the manner required by the terms of use established by the authority including, but not limited to, the failure to produce a validated fare payment card when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the facility when requested to do so by a person designated to monitor fare payment.

(3) If fare payment is required before entering a transit vehicle, as defined in RCW 9.91.025(2)(b), or before entering a fare paid area in a transit facility, as defined in RCW 9.91.025(2)(a), signage must be conspicuously posted at the place of boarding or within ten feet of the nearest entrance to a transit facility that clearly indicates: (a) The locations where tickets or fare media may be purchased; and (b) that a person using an electronic fare payment card must present the card to an electronic card reader before entering a transit vehicle or before entering a restricted fare paid area.

Sec. 4. RCW 42.56.330 and 2010 c 128 s 8 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095;

(2) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes ~~((and))~~ or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose ~~((this))~~ personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud, or to the news media when reporting on public transportation or public safety. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) ~~((This))~~ Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate

form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2252.

The motion by Senator Haugen carried and the committee 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 "fares;" strike the remainder of the title and insert "amending RCW 35.58.580, 36.57A.230, 81.112.220, and 42.56.330; and prescribing penalties."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2252 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2252 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2252 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Regala and Zarelli

SUBSTITUTE HOUSE BILL NO. 2252 as amended by the Senate, 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 2:59 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 3:56 p.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1700, by House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Angel, Appleton, Armstrong, Rolfes, Johnson, Clibborn, Rivers, Reykdal, Ormsby, Upthegrove, Liias, Billig and Moeller)

Modifying the requirements related to designing various transportation projects.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the Washington state department of transportation shall provide for the needs of drivers, public transportation vehicles and patrons, bicyclists, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products.

It is also the intent of the legislature that the department shall view all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in Washington and recognize bicycle, pedestrian, and transit modes as integral elements of the transportation system.

The increase in Washington's older adult population, which is up to forty percent of total population in some counties, increases the need for locally based transportation options and a statewide transportation system less reliant on the automobile.

Washington is committed to providing community-based options for individuals with disabilities who require access to a broader range of transportation options.

Washington believes the full integration of all modes in the design of streets and roadways will increase the capacity and

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efficiency of the road network, reduce traffic congestion, improve mobility options, and limit greenhouse gas emissions.

Washington believes regular walking and bicycling improves physical health, increases mental well-being, and helps reduce the risk of cardiovascular disease, Type 2 diabetes, some cancers, and other chronic diseases. Increased physical activity is also critical to combating the obesity crisis in Washington.

Sec. 2. RCW 35.75.060 and 1982 c 55 s 1 are each amended to read as follows:

Any city or town may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining bicycle paths, lanes, roadways, and routes, and for improvements to make existing streets and roads more suitable and safe for bicycle traffic: PROVIDED, That any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended shall be suitable for bicycle transportation purposes and not solely for recreation purposes. Bicycle facilities constructed or modified after ~~((June 10, 1982))~~ December 31, 2012, shall meet or exceed the standards ~~((of the state department of transportation))~~ adopted by the design standards committee under RCW 35.78.030.

NEW SECTION. Sec. 3. A new section is added to chapter 35.78 RCW to read as follows:

Any city or town may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining a pedestrian right-of-way and for improvements to make existing streets and roads more suitable and safe for pedestrian travel. Any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended must be suitable for pedestrian travel purposes and not solely for recreation purposes. A pedestrian right-of-way constructed or modified after December 31, 2012, must meet or exceed the standards adopted by the design standards committee under RCW 35.78.030.

Sec. 4. RCW 35.78.030 and 1965 c 7 s 35.78.030 are each amended to read as follows:

(1) The design standards committee shall from time to time adopt uniform design standards for major arterial and secondary arterial streets.

(2) By July 1, 2012, and from time to time thereafter, the design standards committee shall adopt standards for bicycle and pedestrian facilities.

Sec. 5. RCW 36.82.145 and 1982 c 55 s 3 are each amended to read as follows:

Any funds deposited in the county road fund may be used for the construction, maintenance, or improvement of bicycle paths, lanes, routes, and roadways, and for improvements to make existing streets and roads more suitable and safe for bicycle traffic. Bicycle facilities constructed or modified after ~~((June 10, 1982))~~ December 31, 2012, shall meet or exceed the standards ~~((of the state department of transportation))~~ adopted by the design standards committee under RCW 43.32.020.

NEW SECTION. Sec. 6. A new section is added to chapter 36.82 RCW to read as follows:

Any county may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining a pedestrian right-of-way and for improvements to make existing streets and roads more suitable and safe for pedestrian travel. Any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended must be suitable for pedestrian travel purposes and not solely for recreation purposes. A pedestrian right-of-way constructed or modified after December 31, 2012, must meet or exceed the standards adopted by the design standards committee under RCW 43.32.020.

Sec. 7. RCW 43.32.020 and 1965 c 8 s 43.32.020 are each amended to read as follows:

(1) On or before January 1, 1950, and from time to time thereafter, the design standards committee shall adopt uniform design standards for the county primary road systems.

(2) By July 1, 2012, and from time to time thereafter, the design standards committee shall adopt standards for bicycle and pedestrian facilities."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1700.

The motion by Senator Haugen carried and the committee 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 "projects;" strike the remainder of the title and insert "amending RCW 35.75.060, 35.78.030, 36.82.145, and 43.32.020; adding a new section to chapter 35.78 RCW; adding a new section to chapter 36.82 RCW; and creating a new section."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1700 as amended by the Senate 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 Harper, Senator Ranker was excused.

MOTION

On motion of Senator Ericksen, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1700 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1700 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hill, Holmquist Newbry, Honeyford, Padden, Schoesler and Sheldon

SUBSTITUTE HOUSE BILL NO. 1700 as amended by the Senate, 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.

SUBSTITUTE HOUSE BILL NO. 2299, by House Committee on Transportation (originally sponsored by Representatives Warnick, Clibborn, Haigh, Armstrong, Short, Nealey, Fagan, Tharinger, Hunt, Moscoso and Jinkins)

Creating "4-H" special license plates.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

LICENSE PLATE

4-H

Armed forces collection

Endangered wildlife

Gonzaga University alumni association

Helping kids speak

Keep kids safe

Law enforcement memorial

Music matters

Professional firefighters and paramedics

Share the road

Ski & ride Washington

State flower

Volunteer firefighters

Washington lighthouses

Washington state parks

Washington's national park fund

"Sec. 1. RCW 46.18.200 and 2011 c 229 s 1, 2011 c 225 s 1, and 2011 c 171 s 69 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

DESCRIPTION, SYMBOL, OR ARTWORK

Displays the "4-H" logo.

Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.

Displays a symbol or artwork, approved by the special license plate review board and the legislature.

Recognizes the Gonzaga University alumni association.

Recognizes an organization that supports programs that provide no-cost speech pathology programs to children. Recognizes efforts to prevent child abuse and neglect.

Honors law enforcement officers in Washington killed in the line of duty.

Displays the "Music Matters" logo.

Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.

Recognizes an organization that promotes bicycle safety and awareness education.

Recognizes the Washington snowsports industry.

Recognizes the Washington state flower.

Recognizes volunteer firefighters.

Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.

Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.

Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.

Washington's wildlife collection	Recognizes Washington's wildlife.
We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.
Wild on Washington	Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"4-H license plates" means special license plates issued under RCW 46.18.200 that display the "4-H" logo.

NEW SECTION. Sec. 3. A new section is added to chapter 46.04 RCW to read as follows:

"State flower license plates" means special license plates issued under RCW 46.18.200 that display the Washington state flower.

Sec. 4. RCW 46.17.220 and 2011 c 229 s 3, 2011 c 225 s 2, and 2011 c 171 s 58 are each reenacted and amended to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) <u>4-H</u>	\$ 40.00	\$ 30.00	RCW 46.68.420
<u>(b)</u> Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
((b)) <u>(c)</u> Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
((c)) <u>(d)</u> Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
((d)) <u>(e)</u> Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
((e)) <u>(f)</u> Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
((f)) <u>(g)</u> Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
((g)) <u>(h)</u> Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
((h)) <u>(i)</u> Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
((i)) <u>(j)</u> Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
((j)) <u>(k)</u> Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
((k)) <u>(l)</u> Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
((l)) <u>(m)</u> Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
((m)) <u>(n)</u> Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
((n)) <u>(o)</u> Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
((o)) <u>(p)</u> Ride share	\$ 25.00	N/A	RCW 46.68.030

((p)) <u>(q)</u> Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
((q)) <u>(r)</u> Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
((r)) <u>(s)</u> Square dancer	\$ 40.00	N/A	RCW 46.68.070
((s)) <u>(t)</u> State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
<u>(u)</u> Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
((t)) <u>(v)</u> Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
((u)) <u>(w)</u> Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
((v)) <u>(x)</u> Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420
((w)) <u>(y)</u> Washington's wildlife collection	\$ 40.00	\$ 30.00	RCW 46.68.425
((x)) <u>(z)</u> We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
((y)) <u>(aa)</u> Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425

(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

Sec. 5. RCW 46.68.420 and 2011 c 229 s 4, 2011 c 225 s 3, and 2011 c 171 s 87 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
Music matters awareness	Promote music education in schools throughout Washington
Share the road	Promote bicycle safety and awareness education in communities throughout Washington

Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need
Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

Sec. 6. RCW 46.18.060 and 2011 c 367 s 703, 2011 c 229 s 5, 2011 c 225 s 4, and 2011 c 171 s 66 are each reenacted and amended to read as follows:

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

(3) Except as provided in RCW 46.18.245, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2013. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.

~~(4) ((The volunteer firefighters license plates created under RCW 46.18.200 are exempt from the requirements of subsection (3) of this section.~~

~~(5) The Music Matters license plates created under RCW 46.18.200 are exempt from the requirements of subsection (3) of this section.)~~ The limitations under subsection (3) of this section do not apply to the following special license plates:

- (a) 4-H license plates created under RCW 46.18.200;
- (b) Music Matters license plates created under RCW 46.18.200;
- (c) State flower license plates created under RCW 46.18.200;
- (d) Volunteer firefighter license plates created under RCW 46.18.200.

NEW SECTION. Sec. 7. This act takes effect January 1, 2013."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2299.

The motion by Senator Haugen carried and the committee 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 "special license plates; reenacting and amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; adding new sections to chapter 46.04 RCW; and providing an effective date."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2299 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, King, Fraser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2299 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2299 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist Newbry, Regala and Stevens
SUBSTITUTE HOUSE BILL NO. 2299 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 2254, by House Committee on Ways & Means (originally sponsored by Representatives Carlyle, Kagi, Reykdal, Darneille, Maxwell, Jinkins, Pedersen, Seaquist, Roberts, Dickerson and Kenney)

Enacting the educational success for youth and alumni of foster care act.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 2007, with the passport to college promise program, this state took a significant step toward providing higher education opportunities to youth in and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it also recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary

educational opportunities. The December 2011 report by the higher education coordinating board on the first three years of the six-year program indicates that the passport to college promise program has increased the number of former foster youth enrolling in higher education and working toward college degrees and certificates.

This state recognizes that educational success in the early grades is key to increasing postsecondary opportunities for youth in and alumni of foster care. Recent efforts in this state to pave the way for educational success have included legislation: Providing for wraparound educational advocacy services; mandating the timely transmission of educational records; and recognizing the importance of maintaining a foster child in the school program he or she was in before entering the foster care system and minimizing the number of times a child has to change schools.

The federal fostering connections to success and increasing adoptions act of 2008, P.L. 110-351, similarly recognizes that schools are often the most important source of focus and stability for children in foster care and made several changes to improve educational outcomes for these children. As part of this nationwide effort, the United States departments of education and health and human services are encouraging state and local education agencies and child welfare agencies to collaborate on policies and procedures to provide educational stability and improve outcomes for foster children.

The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care, as well as the key role played by wraparound services in providing continuity, seamless educational transitions, and higher levels of educational attainment. With these changes to the passport to college promise program, the college bound scholarship program, the provision of more seamless wraparound services, and revisions to various reporting requirements, the legislature strives to make Washington the leader in the nation with respect to foster youth and alumni graduating from high school, enrolling in postsecondary education, and completing postsecondary education.

Sec. 2. RCW 28B.117.010 and 2007 c 314 s 3 are each amended to read as follows:

The passport to college promise (~~(pilot)~~) program is created. The purpose of the program is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; (~~and~~)

(2) To improve the high school graduation outcomes of foster youth through coordinated P-20 and child welfare outreach, intervention, and planning; and

~~(3) To (~~provide~~) improve postsecondary outcomes by providing~~ current and former foster care youth with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in higher education.

Sec. 3. RCW 28B.117.020 and 2011 1st sp.s. c 11 s 220 are each amended to read as follows:

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

(1) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(2) (~~("Emancipated from foster care" means a person who was a dependent of the state in accordance with chapter 13.34 RCW and who was receiving foster care in the state of Washington when he or she reached his or her eighteenth birthday.~~

~~—(3))~~ "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as

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determined by the method prescribed by the United States department of education.

~~((4)) (3) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the board as meeting equivalent standards as those institutions accredited under this section.~~

~~((5)) (4) "Institution of higher education" means(~~(~~
~~(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or~~
~~(b) Any independent college or university in Washington; or~~
~~(c) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section. PROVIDED, That any institution, branch, extension, or facility operating within the state of Washington that is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students)) any institution eligible to and participating in the state need grant program.~~~~

~~((6)) (5) "Office" means the office of student financial assistance.~~

~~((7)) (6) "Program" means the passport to college promise ((pilot)) program created in this chapter.~~

Sec. 4. RCW 28B.117.040 and 2011 1st sp.s. c 11 s 222 are each amended to read as follows:

Effective operation of the passport to college promise ((pilot)) program requires early and accurate identification of former foster care youth so that they can be linked to the financial and other assistance that will help them succeed in college. To that end:

(1) All institutions of higher education that receive funding for student support services under RCW 28B.117.030 shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in foster care in Washington state for at least one year since his or her sixteenth birthday together with an explanation that financial and support services may be available. All other institutions of higher education are strongly encouraged to include such a question and explanation. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) The department of social and health services shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for services under RCW 28B.117.030, and for sharing that information with the office and with institutions of higher education. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure.

Sec. 5. RCW 28B.117.070 and 2011 1st sp.s. c 11 s 225 are each amended to read as follows:

~~((1) The office of student financial assistance shall report to appropriate committees of the legislature by January 15, 2008, on the status of program design and implementation. The report shall~~

~~include a discussion of proposed scholarship and student support service approaches; an estimate of the number of students who will receive such services; baseline information on the extent to which former foster care youth who meet the eligibility criteria in RCW 28B.117.030 have enrolled and persisted in postsecondary education; and recommendations for any statutory changes needed to promote achievement of program objectives.~~

~~(2) The state board for community and technical colleges and the office of student financial assistance shall monitor and analyze the extent to which eligible young people are increasing their participation, persistence, and progress in postsecondary education, and shall jointly submit a report on their findings to appropriate committees of the legislature by December 1, 2009, and by December 1, 2011.~~

~~(3)) The Washington state institute for public policy shall complete an evaluation of the passport to college promise ((pilot)) program and shall submit a report to appropriate committees of the legislature by December 1, 2012. The report shall estimate the impact of the program on eligible students' participation and success in postsecondary education, and shall include recommendations for program revision and improvement.~~

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department must contract with at least one nongovernmental entity to administer a program of education coordination for youth who are dependent pursuant to chapter 13.34 RCW, birth through twelfth grade in Washington state. The selected nongovernmental entity or entities must engage in a public-private partnership with the department and are responsible for raising a portion of the funds needed for service delivery, administration, and evaluation.

(2) The nongovernmental entity or entities selected by the department must have demonstrated success in working with foster care youth and assisting foster care youth in receiving appropriate educational services, including enrollment, accessing school-based services, reducing out-of-school discipline interventions, and attaining high school graduation.

(3) The selected nongovernmental entity or entities must provide services to support individual youth upon a referral by a social worker with the department or a nongovernmental agency with responsibility for education support services. The selected nongovernmental entity or entities must be colocated in the offices of the department to provide timely consultation and in-service training. These entities must have access to all paper and electronic case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(4) The selected nongovernmental entity or entities must report outcomes biannually to the department.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.320 RCW to read as follows:

In order to facilitate the on-time grade level progression and graduation of students who are dependent pursuant to chapter 13.34 RCW, school districts must incorporate the following procedures:

(1) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

(2) School districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, or the

portable assisted study sequence units designed for migrant high school students.

(3) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

Sec. 8. RCW 28B.118.010 and 2011 1st sp.s. c 11 s 226 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; or

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. ((Students who were in the eighth grade during the 2007-08 school year may sign the pledge during the 2008-09 school year.)) The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the

representative average of awards granted to students in public research universities in Washington.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 9. RCW 28A.150.510 and 2008 c 297 s 5 are each amended to read as follows:

(1) In order to effectively serve students who are dependent pursuant to chapter 13.34 RCW, education records shall be transmitted to the department of social and health services within two school days after receiving the request from the department provided that the department certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department to provide residential care to the student. The department is also authorized to disclose educational records it obtains pursuant to this section to those entities with which it has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes of students who are dependent pursuant to chapter 13.34 RCW. The department is encouraged to put in place data-sharing agreements to assure accountability.

(2)(a) The K-12 data governance group established under RCW 28A.300.507 shall create a comprehensive needs requirement document detailing the specific information, technical capacity, and any federal and state statutory and regulatory changes needed by school districts, the office of the superintendent of public instruction, the department of social and health services, or the higher education coordinating board or its successor, to enable the provision, on at least a quarterly basis, of:

(i) Current education records of students who are dependent pursuant to chapter 13.34 RCW to the department of social and health services and, from the department, to those entities with which the department has contracted, or with which it is formally collaborating, having responsibility for educational support services and educational outcomes; and

(ii) The names and contact information of students who are dependent pursuant to chapter 13.34 RCW and are thirteen years or older to the higher education coordinating board or its successor and the private agency with which it has contracted to perform outreach

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for the passport to college promise program under chapter 28B.117 RCW or the college bound scholarship program under chapter 28B.118.RCW.

(b) In complying with (a) of this subsection, the K-12 data governance group shall consult with: Educational support service organizations, with which the department of social and health services contracts or collaborates, having responsibility for educational support services and educational outcomes of dependent students; the passport to college advisory committee; the education support service organizations under contract to perform outreach for the passport to college promise program under chapter 28B.117 RCW; the department of social and health services; the office of the attorney general; the higher education coordinating board or its successor; and the office of the administrator for the courts.

(c) By December 1, 2012, the superintendent of public instruction shall submit a report to the governor and the appropriate committees of the legislature regarding: The analysis of needs by the K-12 data governance group; a timeline for addressing those needs for which no statutory changes are necessary and that can be implemented within existing resources; and recommended options for addressing identified needs for which statutory changes, additional funding, or both, are necessary.

NEW SECTION. Sec. 10. A new section is added to chapter 28A.300 RCW to read as follows:

By December 1, 2012, and on an annual basis through December 1, 2015, the superintendent of public instruction, in consultation with the department of social and health services and the office of the administrator for the courts, shall submit a report to the governor and the appropriate committees of the legislature regarding the content and implementation status of the state's plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children pursuant to the requirements of the federal fostering connections to success and increasing adoptions act, P.L. 110-351. The annual report must include, but is not limited to, information regarding:

- (1) A description of the process used to determine students' best interest in continued enrollment at the school the student was in at the time of initial placement or change of placement;
- (2) The number of days, following initial placement or change of placement, to resume school at the school the student was in at the time of initial placement or change of placement or complete new school enrollment and attend at a new school;
- (3) The number of days from request to delivery of school records from the sending school to the receiving school; and
- (4) Documentation of a plan and use of federal title IV-E dollars to support transportation for educational continuity as envisioned in the federal fostering connections to success and increasing adoptions act, P.L. 110-351.

Sec. 11. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

The ((superintendent of public instruction)) education data center shall ((provide an annual aggregate report to the legislature or)) include in its reporting as part of the P-20 education data project the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

NEW SECTION. Sec. 12. The legislature strongly recommends that the entities with which the department of social and health services contracts or collaborates to provide educational support services and educational outcomes for students who are

dependent under chapter 13.34 RCW and the private agency under contract with the higher education coordinating board or its successor to perform outreach for the passport to college promise program under chapter 28B.117 RCW and the college bound scholarship program under chapter 28B.118 RCW explore models for harnessing technology to keep in constant touch with the students they serve and keep these students engaged.

Sec. 13. RCW 28B.117.901 and 2007 c 314 s 10 are each amended to read as follows:

This chapter expires June 30, ((2013)) 2022.

NEW SECTION. Sec. 14. This act may be known and cited as the educational success for youth and alumni of foster care act.

NEW SECTION. Sec. 15. This act takes effect July 1, 2012."

Senator Tom spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to Substitute House Bill No. 2254.

The motion by Senator Tom carried and the committee 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 "care;" strike the remainder of the title and insert "amending RCW 28B.117.010, 28B.117.020, 28B.117.040, 28B.117.070, 28B.118.010, 28A.150.510, 28A.300.525, and 28B.117.901; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2254 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2254 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2254 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Padden

SUBSTITUTE HOUSE BILL NO. 2254 as amended by the Senate, 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 Harper, Senator Pridemore was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366, by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Bailey, McCune, Jinkins, Upthegrove, Maxwell, Ladenburg, Kenney, Van De Wege and Darneille)

Requiring certain health professionals to complete education in suicide assessment, treatment, and management.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) According to the centers for disease control and prevention:

(i) In 2008, more than thirty-six thousand people died by suicide in the United States, making it the tenth leading cause of death nationally.

(ii) During 2007-2008, an estimated five hundred sixty-nine thousand people visited hospital emergency departments with self-inflicted injuries in the United States, seventy percent of whom had attempted suicide.

(iii) During 2008-2009, the average percentages of adults who thought, planned, or attempted suicide in Washington were higher than the national average.

(b) According to a national study, veterans face an elevated risk of suicide as compared to the general population, more than twice the risk among male veterans. Another study has indicated a positive correlation between posttraumatic stress disorder and suicide.

(i) Washington state is home to more than sixty thousand men and women who have deployed in support of the wars in Iraq and Afghanistan.

(ii) Research continues on how the effects of wartime service and injuries such as traumatic brain injury, posttraumatic stress disorder, or other service-related conditions, may increase the number of veterans who attempt suicide.

(iii) As more men and women separate from the military and transition back into civilian life, community mental health providers will become a vital resource to help these veterans and their families deal with issues that may arise.

(c) Suicide has an enormous impact on the family and friends of the victim as well as the community as a whole.

(d) Approximately ninety percent of people who die by suicide had a diagnosable psychiatric disorder at the time of death. Most suicide victims exhibit warning signs or behaviors prior to an attempt.

(e) Improved training and education in suicide assessment, treatment, and management has been recommended by a variety of organizations, including the United States department of health and human services and the institute of medicine.

(2) It is therefore the intent of the legislature to help lower the suicide rate in Washington by requiring certain health professionals to complete training in suicide assessment, treatment, and management as part of their continuing education, continuing competency, or recertification requirements.

(3) The legislature does not intend to expand or limit the existing scope of practice of any health professional affected by this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1)(a) Beginning January 1, 2014, each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete a training program in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A chemical dependency professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW; and

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(2)(a)(i) Except as provided in (a)(ii) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section during the first full continuing education reporting period after the effective date of this section or the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) A professional listed in subsection (1)(a) of this subsection applying for initial licensure on or after the effective date of this section may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of a six-hour training program in suicide assessment, treatment, and management that:

(A) Was completed no more than six years prior to the application for initial licensure; and

(B) Is listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(3) The hours spent completing a training program in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt a professional from the training requirements in subsection (1) of this section.

(b) The board of occupational therapy practice may exempt occupational therapists from the training requirements of subsection (1) of this section by specialty, if the specialty in question has only brief or limited patient contact.

(5)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.

(b) When developing the model list, the secretary and the disciplining authorities shall:

(i) Consider suicide assessment, treatment, and management training programs of at least six hours in length listed on the best

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practices registry of the American foundation for suicide prevention and the suicide prevention resource center; and

(ii) Consult with public and private institutions of higher education, experts in suicide assessment, treatment, and management, and affected professional associations.

(c) The secretary and the disciplining authorities shall report the model list of training programs to the appropriate committees of the legislature no later than December 15, 2013.

(6) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(7) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(8) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training program in suicide assessment, treatment, and management" means an empirically supported training program approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. The disciplining authority may approve a training program that excludes one of the elements if the element is inappropriate for the profession in question based on the profession's scope of practice. A training program that includes only screening and referral elements shall be at least three hours in length. All other training programs approved under this section shall be at least six hours in length.

(9) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(10) An employee of a community mental health agency licensed under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. Sec. 3. (1) The secretary of health shall conduct a study evaluating the effect of evidence-based suicide assessment, treatment, and management training on the ability of licensed health care professionals to identify, refer, treat, and manage patients with suicidal ideation. This study shall at a minimum:

(a) Review available research and literature regarding the relationship between licensed health professionals completing training in suicide assessment, treatment, and management and patient suicide rates;

(b) Assess which licensed health professionals are best situated to positively influence the mental health behavior of individuals with suicidal ideation;

(c) Evaluate the impact of suicide assessment, treatment, and management training on veterans with suicidal ideation; and

(d) Review curriculum of health profession programs offered at Washington state educational institutions regarding suicide prevention.

(2) In conducting this study the secretary may collaborate with other health profession disciplinary boards and commissions, professional associations, and other interested parties.

(3) The secretary shall submit a report to the legislature no later than December 15, 2013, summarizing the findings of this study.

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NEW SECTION. Sec. 4. This act may be known and cited as the Matt Adler suicide assessment, treatment, and management training act of 2012."

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

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Becker to the committee striking amendment be adopted:

On page 4, line 30, after "RCW" insert "or a chemical dependency program certified under chapter 70.96A RCW"

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 4, line 30 to the committee striking amendment to Engrossed Substitute House Bill No. 2366.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Engrossed Substitute House Bill No. 2366.

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

MOTION

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

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2366 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2366 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2366 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366 as amended by the Senate, 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

HOUSE BILL NO. 2440, by Representatives Wilcox, Blake, Chandler, Van De Wege, Warnick, McCune, Johnson, Stanford, Hurst, Hinkle and Moscoso

Authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 2440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2440.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2440 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

HOUSE BILL NO. 2440, 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

HOUSE BILL NO. 1381, by Representatives Warnick, Blake, Hinkle, Taylor, Haler, McCune, Armstrong, Condotta, Johnson, Parker and Shea

Regarding sufficient cause for the nonuse of water.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1381.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1381 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

HOUSE BILL NO. 1381, 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

SUBSTITUTE HOUSE BILL NO. 2313, by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Carlyle, Probst, Wilcox, Anderson, Haler, Fagan, Reykdal, Springer, Buys, Pollet, Wylie, Crouse, Jinkins, Moscoso and Overstreet)

Concerning the meeting procedures of the boards of trustees and boards of regents of institutions of higher education.

The measure was read the second time.

MOTION

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

On page 3, line 2, after "trustees" strike all material through "colleges" and insert "~~((for districts containing technical colleges))~~"

Senator Brown spoke in favor of adoption of the amendment.

Senators Tom and Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 3, line 2 to Substitute House Bill No. 2313.

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

MOTION

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

On page 3, after line 29, insert the following:

"**Sec. 6.** RCW 28B.15.067 and 2011 1st sp.s. c 10 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges. The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may

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reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. The state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(3)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Beginning with the 2015-16 academic year through the 2018-19 academic year, the governing boards of the state universities, regional universities, and The Evergreen State College may set tuition for resident undergraduates as follows:

(a) If state funding for a college or university falls below the state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection, reduce enrollments, or both;

(b) If state funding for a college or university is at least at the level of state funding provided in the operating budget for fiscal year 2011, the governing board may increase tuition up to the limits set in (d) of this subsection and shall continue to at least maintain the actual enrollment levels for fiscal year 2011 or increase enrollments as required in the omnibus appropriations act; ~~(and)~~

(c) If state funding is increased so that combined with resident undergraduate tuition the sixtieth percentile of the total per-student funding at similar public institutions of higher education in the global challenge states under RCW 28B.15.068 is exceeded, the governing board shall decrease tuition by the amount needed for the total per-student funding to be at the sixtieth percentile under RCW 28B.15.068; and

(d) The amount of tuition set by the governing board for an institution under this subsection (4) may not exceed the sixtieth percentile of the resident undergraduate tuition of similar public institutions of higher education in the global challenge states.

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(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) Beginning in the 2019-20 academic year, reductions or increases in full-time tuition fees for resident undergraduates at four-year institutions of higher education shall be as provided in the omnibus appropriations act."

Senators Frockt and Hill 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 Frockt on page 3, after line 29 to Substitute House Bill No. 2313.

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

MOTION

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

On page 1, line 3 of the title, after "28B.40.110," strike the remainder of the title and insert "28B.50.100, and 28B.15.067."

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2313 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2313 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2313 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

SUBSTITUTE HOUSE BILL NO. 2313 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 2191, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Rivers, Blake, Klippert, Hurst, Haler, Takko, Alexander, Hope, Harris and Reykdal)

Concerning police dogs.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.08.040 and 1941 c 77 s 1 are each amended to read as follows:

(1) The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(2) This section does not apply to the lawful application of a police dog, as defined in RCW 4.24.410.

Sec. 2. RCW 9A.76.200 and 2003 c 269 s 1 are each amended to read as follows:

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she maliciously injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4)(a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) The fines imposed in this subsection (4) may not be reversed. Moneys collected must be distributed to the jurisdiction that owns the police dog."

On page 1, line 1 of the title, after "dogs;" strike the remainder of the title and insert "amending RCW 16.08.040 and 9A.76.200; and prescribing penalties."

WITHDRAWAL OF AMENDMENT

On motion of Senator Kline, the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 2191 was withdrawn.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.08.040 and 1941 c 77 s 1 are each amended to read as follows:

(1) The owner of any dog which shall bite any person while such person is in or on a public place or lawfully in or on a private place including the property of the owner of such dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(2) This section does not apply to the lawful application of a police dog, as defined in RCW 4.24.410.

Sec. 2. RCW 9A.76.200 and 2003 c 269 s 1 are each amended to read as follows:

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she maliciously injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4)(a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of up to five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) Moneys collected must be distributed to the jurisdiction that owns the police dog."

Senator Padden 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 Padden and Kline to Substitute House Bill No. 2191.

The motion by Senator Padden 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 "dogs;" strike the remainder of the title and insert "amending RCW 16.08.040 and 9A.76.200; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2191 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2191 as amended by the Senate.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2191 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2191 as amended by the Senate, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives McCoy, Hunt, Haigh, Pedersen, Appleton, Morris, Billig, Fitzgibbon, Eddy, Sells, Tharinger, Jinkins, Hasegawa, Pollet, Wylie, Upthegrove and Roberts)

Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 37.12 RCW to read as follows:

(1) The process by which the state may retrocede to the United States all or part of the civil and/or criminal jurisdiction previously acquired by the state over a federally recognized Indian tribe, and the Indian country of such tribe, must be accomplished in accordance with the requirements of this section.

(2) To initiate civil and/or criminal retrocession the duly authorized governing body of a tribe must submit a retrocession resolution to the governor accompanied by information about the tribe's plan regarding the tribe's exercise of jurisdiction following the proposed retrocession. The resolution must express the desire of the tribe for the retrocession by the state of all or any measures or provisions of the civil and/or criminal jurisdiction acquired by the state under this chapter over the Indian country and the members of such Indian tribe. Before a tribe submits a retrocession resolution to the governor, the tribe and affected municipalities are encouraged to collaborate in the adoption of interlocal agreements, or other collaborative arrangements, with the goal of ensuring that the best interests of the tribe and the surrounding communities are served by the retrocession process.

(3) Upon receiving a resolution under this section, the governor must within ninety days convene a government-to-government meeting with either the governing body of the tribe or duly authorized tribal representatives for the purpose of considering the

tribe's retrocession resolution. The governor's office must consult with elected officials from the counties, cities, and towns proximately located to the area of the proposed retrocession.

(4) Within one year of the receipt of an Indian tribe's retrocession resolution the governor must issue a proclamation, if approving the request either in whole or in part. This one-year deadline may be extended by the mutual consent of the tribe and the governor, as needed. In addition, either the tribe or the governor may extend the deadline once for a period of up to six months. Within ten days of issuance of a proclamation approving the retrocession resolution, the governor must formally submit the proclamation to the federal government in accordance with the procedural requirements for federal approval of the proposed retrocession. In the event the governor denies all or part of the resolution, the reasons for such denial must be provided to the tribe in writing.

(5) Within one hundred twenty days of the governor's receipt of a tribe's resolution requesting civil and/or criminal retrocession, but prior to the governor's issuance of the proclamation approving or denying the tribe's resolution, the appropriate standing committees of the state house and senate may conduct public hearings on the tribe's request for state retrocession. The majority leader of the senate must designate the senate standing committee and the speaker of the house of representatives must designate the house standing committee. Following such public hearings, the designated legislative committees may submit advisory recommendations and/or comments to the governor regarding the proposed retrocession, but in no event are such legislative recommendations binding on the governor or otherwise of legal effect.

(6) The proclamation for retrocession does not become effective until it is approved by a duly designated officer of the United States government and in accordance with the procedures established by the United States for the approval of a proposed state retrocession.

(7) The provisions of RCW 37.12.010 are not applicable to a civil and/or criminal retrocession that is accomplished in accordance with the requirements of this section.

(8) The following definitions apply for the purposes of this section:

(a) "Civil retrocession" means the state's act of returning to the federal government the civil jurisdiction acquired over Indians and Indian country under federal Public Law 280, Act of August 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. Sec. 1162, 25 U.S.C. Secs. 1321-1326, and 28 U.S.C. Sec. 1360);

(b) "Criminal retrocession" means the state's act of returning to the federal government the criminal jurisdiction acquired over Indians and Indian country under federal Public Law 280, Act of August 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. Sec. 1162, 25 U.S.C. Secs. 1321-1326, and 28 U.S.C. Sec. 1360);

(c) "Indian tribe" means any federally recognized Indian tribe, nation, community, band, or group;

(d) "Indian country" means:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities with the borders of the United States whether in the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

NEW SECTION. Sec. 2. A new section is added to chapter 37.12 RCW to read as follows:

A civil or criminal retrocession accomplished pursuant to the procedure set forth in section 1 of this act does not:

(1) Affect the state's civil jurisdiction over the civil commitment of sexually violent predators pursuant to chapter 71.09 RCW and the state must retain such jurisdiction notwithstanding the completion of the retrocession process authorized under section 1 of this act; and

(2) Abate any action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of the completion of a retrocession authorized under section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 37.12 RCW to read as follows:

(1) The provisions of section 1 of this act do not affect the validity of any retrocession procedure commenced under RCW 37.12.100 through 37.12.140 prior to the effective date of this section.

(2) Any Indian tribe that has commenced but not completed the retrocession procedure authorized in RCW 37.12.100 through 37.12.140 may request retrocession under section 1 of this act in lieu of completing that procedure.

(3) Any Indian tribe that has completed the retrocession procedure authorized in RCW 37.12.100 through 37.12.140 may use the process authorized under section 1 of this act to request retrocession of any civil or criminal jurisdiction retained by the state under RCW 37.12.120 or 37.12.010.

(4) The provisions of RCW 37.12.120 are not applicable to a civil and/or criminal retrocession that is accomplished in accordance with the requirements of section 1 of this act."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the committee striking amendment be adopted:

On page 1, line 23 of the amendment, after "process." insert "Any such plans or interlocal agreements identified pursuant to this subsection may not result in expansion of tribal authority over non-Indians or non-Indian owned fee lands."

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

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Ericksen, Senator Baumgartner was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 1, line 23 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator Stevens failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senators King and Haugen to the committee striking amendment be adopted:

On page 2, after line 31, insert the following:

"(8) Any proclamation issued by the governor under this section that addresses the operation of motor vehicles upon the public

streets, alleys, roads and highways must include a certification that the following actions have been completed:

(a) The adoption of interlocal agreements with affected municipalities and state agencies regarding the operation of motor vehicles over Indian country and the maintenance of public highways;

(b) A certification by the Washington state patrol, the department of licensing, and the department of transportation regarding uniformity of motor vehicle operations over Indian country;

(c) A certification by the department of transportation regarding conformance with the manual of uniform traffic control devices for streets and highways as adopted by the department under chapter 47.36 RCW; and

(d) Adopted provisions in applicable interlocal agreements identified in subsection (8)(a) of this section addressing tribal assumption of liability for traffic operations on state highways in Indian country."

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

Senators King, Haugen and Sheldon spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Haugen on page 2, after line 31 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

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

MOTION

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

On page 4, after line 12 of the amendment, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 37.12 RCW to read as follows:

Nothing in this chapter may be construed to authorize any tribal authority over non-Indian persons or non-Indian owned fee lands."

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, after line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

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

On page 4, after line 12 of the amendment, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 37.12 RCW to read as follows:

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Any matters where a tribal court or authority exercises civil or criminal authority over non-Indians, all such matters are appealable in the applicable state court."

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

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, after line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 2233.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations, Tribal Relations & Elections as amended to Engrossed Substitute House Bill No. 2233.

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

MOTION

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

On page 1, line 3 of the title, after "country;" strike the remainder of the title and insert "and adding new sections to chapter 37.12 RCW."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute House Bill No. 2233 as amended by the Senate 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 Engrossed Substitute House Bill No. 2233 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2233 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford, Padden, Parlette and Stevens

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2233 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:18 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, February 29, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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