

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 4, 2013

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

The Sergeant at Arms Color Guard consisting of Pages Dalton Saggau and Aryanna Vermeire, presented the Colors. The Reverend Dr. Francis Jeffrey, National Chaplain Emeritus of the Military Order of the Purple Heart of Lakewood, offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5865 by Senators Roach, Holmquist Newbry, Hill, Dammeier, Conway, Hatfield, Sheldon and Rolfes

AN ACT Relating to exempting from use tax certain purchases from nonprofit organizations or libraries sold as a fund-raising activity; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Darneille moved adoption of the following resolution:

SENATE RESOLUTION
8628

By Senators Darneille, Kline, Eide, Fraser, Conway, Shin, Honeyford, Sheldon, Parlette, Benton, Keiser, McAuliffe, Kohl-Welles, Chase, Schoesler, Hargrove, and Roach

WHEREAS, Senator Lorraine Wojahn served faithfully and well the people of Tacoma and the 27th Legislative District in the Washington State Legislature for 32 years, serving in the House of Representatives from 1969 to 1976 and serving in the Senate from 1977 to 2001; and

WHEREAS, Senator Wojahn was a strong and sometimes fierce voice for the poor, disabled, and most vulnerable; and

WHEREAS, She embodied the ethic of public service and exemplified the philosophy of helping people help themselves; and

WHEREAS, While serving as a Representative, Wojahn led the way in consumer protection efforts and social health concerns with legislation that required bacon packages to provide a clear window to display all sides of the product; and

WHEREAS, Senator Wojahn was a role model for women and broke barriers in the Washington State Legislature as one of only six women Senators when she was elected to the Senate in 1976; and

WHEREAS, She became the first woman ever to serve on the Senate Rules Committee, the first woman and non-attorney to be appointed to the Washington State Judicial Council, and the first woman President Pro Tempore of the Senate to preside Sine Die; and

WHEREAS, Senator Wojahn was a constant advocate for women's rights. She aided the passage of the Equal Rights Amendment, sponsored legislation allowing women to obtain credit on their own, created the displaced homemaker act, and fought to end domestic violence against women and children; and

WHEREAS, Legislation sponsored by Senator Wojahn led to the creation of the Department of Health; and

WHEREAS, Public health was of great importance to Senator Wojahn at a time when it was often overlooked by others. Senator Wojahn was determined and successful at raising public awareness to preventable health threats such as osteoporosis, fetal alcohol syndrome, the need for childhood immunizations, and mental health parity; and

WHEREAS, During her long Senate career, she was known for having the "fastest gavel in the West" when presiding as Senate President Pro Tempore; and

WHEREAS, Senator Wojahn loved her district and saw a great potential in the opportunities to revitalize and rebuild the economy in Tacoma and Pierce County to the benefit of all Washingtonians; and

WHEREAS, Senator Wojahn was influential in saving Union Station in Tacoma with the assistance of then Congressman Norm Dicks; and

WHEREAS, Senator Wojahn was instrumental in gaining state financial support for the creation of the University of Washington Tacoma campus and the Washington State History Museum, and she saved other historic buildings in downtown Tacoma from demolition; and

WHEREAS, Senator Wojahn was a very proud lifetime member of the Pierce County YWCA and served on the board of directors for Allenmore Hospital, the Washington State Historical Society, and the Boy's and Girl's Clubs of Tacoma - Pierce County, among others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and memorialize the life and legislative career of Senator R. Lorraine Wojahn for her unfailing commitment, advocacy, and focus which made her one of the most respected and influential state legislators within the last 50 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senator Wojahn's son, Mark Wojahn, to convey the respect of this body for a career committed to serving the 27th District and the people of the State of Washington.

Senators Darneille, Conway, Carrell, Fraser, Eide, Honeyford, McAuliffe and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mark Wojahn, son of former Senator Wojahn who was seated in the gallery.

MOTION

At 10:31 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:37 p.m. by President Owen.

MOTION

At 1:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:07 p.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5524, by Senators Cleveland, Schlicher, Benton, Baumgartner, Keiser, Shin and Kline

Authorizing Washington pharmacies to fill prescriptions written by physician assistants in other states.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5524 was substituted for Senate Bill No. 5524 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland 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 Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

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

SUBSTITUTE SENATE BILL NO. 5524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5369, by Senators Kline, King, Honeyford and Mullet

Concerning the use of geothermal resources.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hargrove, Hatfield and Rolfes

SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5069, by Senators Schoesler, Hewitt and Kohl-Welles

Increasing the number of superior court judges in Benton and Franklin counties jointly.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5069.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5274, by Senators Carrell, Eide, King, Harper, Hill and Shin

Concerning private motorcycle skills education programs.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5274, 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

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SENATE BILL NO. 5559, by Senators Bailey, Kohl-Welles, Tom and McAuliffe

Authorizing educational specialist degrees at Central Washington University and Western Washington University. Revised for 1st Substitute: Authorizing educational specialist degrees at Central Washington University, Western Washington University, and The Evergreen State College.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5559 was substituted for Senate Bill No. 5559 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5559.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5559 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5559, 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 FOR IMMEDIATE RECONSIDERATION

Senator Fain, haven given prior notice pursuant to Rule 37, moved that the rules be suspended and the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 5701 passed the Senate on the previous day.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 5701 passed the Senate.

The motion by Senator Fain for immediate reconsideration of Engrossed Senate Bill No. 5701 carried by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Senate Bill No. 5701 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 5701, by Senators Brown, Fain, Rivers, Dammeier and Cleveland

Authorizing the suspension or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators. (REVISED FOR ENGROSSED: Authorizing the reprimand, suspension, or revocation of certificates or permits to teach based on the fraudulent submission of tests for educators.)

The measure was read the second time.

MOTION

Senator Fain moved that the following amendment by Senators Brown and Cleveland be adopted:

On page 1, line 9, after "be" strike "reprimanded."

On page 1, line 15, after "state." insert "A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit."

On page 2, at the beginning of line 34, strike "reprimanded."

On page 2, line 37, after "educators." insert "A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit."

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Cleveland on page 1, line 9 to Engrossed Senate Bill No. 5701.

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

MOTION

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

On page 1, beginning on line 1 of the title, after "authorizing" strike all material through "teach" on line 2 and insert "penalties"

MOTION

On motion of Senator Fain, the rules were suspended, Second Engrossed Senate Bill No. 5701 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5701.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5701 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND ENGROSSED SENATE BILL NO. 5701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5176, by Senators Hargrove, Carrell and Hewitt

Addressing criminal incompetency and civil commitment.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5176 was substituted for Senate Bill No. 5176 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 15, line 36, after "the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 15, line 37, after "choice." insert "If the secretary is the petitioner, the attorney general shall represent the secretary."

On page 15, line 37, after "If the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, line 2, after "If the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, line 7, after "evidence that the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, line 11, after "institutions." insert "If the person who is the subject of the petition will be transferred to a state correctional institution or facility upon release to serve a sentence for any class A felony, the petitioner must show that the person's mental disease or defect is manageable within a state correctional institution or facility, but must not be required to prove that the person does not present either a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, if released."

On page 16, line 17, after "the" strike "petitioner" and insert "~~((petitioner))~~ person who is the subject of the petition"

On page 16, at the beginning of line 28, strike "petitioner" and insert "~~((petitioner))~~ patient"

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell, Hargrove and Darneille on page 15, line 36 to Substitute Senate Bill No. 5176.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5705, by Senators Brown, King and Hatfield

Concerning amounts received by taxing districts from property tax refunds and abatements.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5705 was substituted for Senate Bill No. 5705 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Shin, Roach, Benton, Conway, Harper, Keiser, Sheldon, McAuliffe, Hill, Hatfield, Frockt, Schlicher and Kline

Improving access to higher education for students with disabilities.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5472, by Senators Bailey, Ranker, Kohl-Welles and Becker

Authorizing applied doctorate level degrees in audiology at Western Washington University.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5472.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5488, by Senators Kohl-Welles, Padden, Kline, Darneille, Fraser, Ranker, Keiser, Delvin, Carrell, McAuliffe, Chase and Conway

Establishing an enhanced penalty for the use of an internet advertisement to facilitate the commission of a sex-trafficking crime.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5669, by Senators Padden, Kohl-Welles, Smith, Hargrove, Pearson, Darneille, Bailey, Nelson, Becker, Benton, Brown, Baumgartner, Conway, Roach and Holmquist Newbry

Concerning trafficking.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.090 and 2006 c 139 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor.

(2) A person who communicates with a minor for immoral purposes is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state or if the person communicates with a minor or with someone the person believes to be a minor for immoral purposes, including the purchase or sale of commercial sex acts and sex trafficking, through the sending of an electronic communication. (3) For the purposes of this section, "electronic communication" has the same meaning as defined in RCW 9.61.260.

Sec. 2. RCW 9.68A.100 and 2010 c 289 s 13 are each amended to read as follows:

(1) A person is guilty of commercial sexual abuse of a minor if:

(a) He or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

(2) Commercial sexual abuse of a minor is a class B felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) Consent of a minor to the sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 3. RCW 9.68A.101 and 2012 c 144 s 1 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

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(c) A person "advances a sexually explicit act of a minor" if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(d) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which something of value is given or received.

(e) A "patron" is a person who pays or agrees to pay a fee to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

(4) Consent of a minor to the sexually explicit act or sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 4. RCW 9.68A.102 and 2007 c 368 s 5 are each amended to read as follows:

(1) A person commits the offense of promoting travel for commercial sexual abuse of a minor if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state.

(2) Promoting travel for commercial sexual abuse of a minor is a class C felony.

(3) Consent of a minor to the travel for commercial sexual abuse, or the sexually explicit act or sexual conduct itself, does not constitute a defense to any offense listed in this section.

(4) For purposes of this section, "travel services" has the same meaning as defined in RCW 19.138.021.

Sec. 5. RCW 9.68A.103 and 2007 c 368 s 7 are each amended to read as follows:

(1) A person is guilty of permitting commercial sexual abuse of a minor if, having possession or control of premises which he or she knows are being used for the purpose of commercial sexual abuse of a minor, he or she fails without lawful excuse to make reasonable effort to halt or abate such use and to make a reasonable effort to notify law enforcement of such use.

(2) Permitting commercial sexual abuse of a minor is a gross misdemeanor.

(3) Consent of a minor to the sexually explicit act or sexual conduct does not constitute a defense to any offense listed in this section.

Sec. 6. RCW 9A.40.100 and 2012 c 144 s 2 and 2012 c 134 s 1 are each reenacted and amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or that the person has not attained the age of eighteen years and is caused to engaged in a sexually explicit act or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3)(a) A person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime shall be assessed a (~~three~~) ten thousand dollar fee.

(b) The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(c) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(4) If the victim of any offense identified in this section is a minor, force, fraud, or coercion are not necessary elements of an offense and consent to the sexually explicit act or commercial sex act does not constitute a defense.

(5) For purposes of this section(=):

(a) "Commercial sex act" means any act of sexual contact or sexual intercourse, both as defined in chapter 9A.44 RCW, for which something of value is given or received by any person; and

(b) "Sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons for which something of value is given or received.

Sec. 7. RCW 9A.44.020 and 1975 1st ex.s. c 14 s 2 are each amended to read as follows:

(1) In order to convict a person of any crime defined in this chapter it shall not be necessary that the testimony of the alleged victim be corroborated.

(2) Evidence of the victim's past sexual behavior including but not limited to the victim's marital history, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section, but when the perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.

(3) In any prosecution for the crime of rape, trafficking pursuant to RCW 9A.40.100, or any of the offenses in chapter 9.68A RCW, or for an attempt to commit, or an assault with an intent to commit any such crime evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent, except where prohibited in the underlying criminal offense, only pursuant to the following procedure:

(a) A written pretrial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.

(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.

(d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant; the court shall make an order stating what evidence may be introduced by the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(4) Nothing in this section shall be construed to prohibit cross-examination of the victim on the issue of past sexual behavior when the prosecution presents evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing pursuant to subsection (3) of this section concerning such evidence.

Sec. 8. RCW 9A.44.128 and 2012 c 134 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830~~((5))~~ (7) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; and

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(c) Any violation under RCW 9A.40.100(1)(a)(ii)(B) (trafficking);

(d) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

~~((d))~~ (e) A violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree) if the person has a prior conviction for one of these offenses;

~~((e))~~ (f) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

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~~((f))~~ (g) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

~~((e))~~ (h) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);

~~((b))~~ (i) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

~~((a))~~ (j) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

Sec. 9. RCW 9A.44.150 and 2005 c 455 s 1 are each amended to read as follows:

(1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a child under the age of ~~((ten))~~ fourteen may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child's testimony into another room so the defendant and the jury can watch and hear the child testify if:

(a) The testimony will:

(i) Describe an act or attempted act of sexual contact performed with or on the child witness by another person or with or on a child other than the child witness by another person;

(ii) Describe an act or attempted act of physical abuse against the child witness by another person or against a child other than the child witness by another person; ~~((e))~~

(iii) Describe a violation of RCW 9A.40.100 (trafficking) or any offense identified in chapter 9.68A RCW (sexual exploitation of children); or

(iv) Describe a violent offense as defined by RCW 9.94A.030 committed against a person known by or familiar to the child witness or by a person known by or familiar to the child witness;

(b) The testimony is taken during the criminal proceeding;

(c) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that requiring the child witness to testify in the presence of the defendant will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at the trial. If the defendant is excluded from the presence of the child, the jury must also be excluded;

(d) As provided in ~~((subsection (1))~~(a) and (b) of this subsection, the court may allow a child witness to testify in the presence of the defendant but outside the presence of the jury, via closed-circuit television, if the court finds, upon motion and hearing outside the presence of the jury, that the child will suffer serious emotional distress that will prevent the child from reasonably communicating at the trial in front of the jury, or, that although the child may be able to reasonably communicate at trial in front of the jury, the child will suffer serious emotional or mental distress from testifying in front of the jury. If the child is able to communicate in front of the defendant but not the jury the defendant will remain in the room with the child while the jury is excluded from the room;

(e) The court finds that the prosecutor has made all reasonable efforts to prepare the child witness for testifying, including informing the child or the child's parent or guardian about community counseling services, giving court tours, and explaining the trial process. If the prosecutor fails to demonstrate that

preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;

(f) The court balances the strength of the state's case without the testimony of the child witness against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;

(g) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the child witness from the serious emotional or mental distress;

(h) When the court allows the child witness to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic transmission and be granted reasonable court recesses during the child's testimony for person-to-person consultation with the defense attorney;

(i) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(j) All parties in the room with the child witness are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child;

(k) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(l) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the child witness or abuse of the procedure for tactical advantage.

The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the child witness is testifying. The court in the court's discretion depending on the circumstances and whether the jury or defendant or both are excluded from the room where the child is testifying, may remain or may not remain in the room with the child.

(2) During the hearing conducted under subsection (1) of this section to determine whether the child witness may testify outside the presence of the defendant and/or the jury, the court may conduct the observation and examination of the child outside the presence of the defendant if:

(a) The prosecutor alleges and the court concurs that the child witness will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;

(b) The defendant can observe and hear the child witness by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the child witness by electronic transmission and be granted reasonable court recesses during the child's examination for person-to-person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the child witness shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child witness to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the

relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(5) This section may not preclude the presence of both the child witness and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child witness.

(8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.

(9) The state shall bear the costs of the closed-circuit television procedure.

(10) A child witness may or may not be a victim in the proceeding.

(11) Nothing in this section precludes the court, under other circumstances arising under subsection (1)(a) of this section, from allowing a child to testify outside the presence of the defendant and the jury so long as the testimony is presented in accordance with the standards and procedures required in this section.

Sec. 10. RCW 9A.82.010 and 2012 c 139 s 1 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, 9A.56.080, and 9A.56.083;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, or unlawful possession of instruments of financial fraud, as defined in RCW 9A.56.320;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

(n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(r) Trafficking in stolen property, as defined in RCW 9A.82.050;

(s) Leading organized crime, as defined in RCW 9A.82.060;

(t) Money laundering, as defined in RCW 9A.83.020;

(u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(w) Promoting pornography, as defined in RCW 9.68.140;

(x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(cc) A pattern of equity skimming, as defined in RCW 61.34.020;

(dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ff) Unlawful practice of law, as defined in RCW 2.48.180;

(gg) Commercial bribery, as defined in RCW 9A.68.060;

(hh) Health care false claims, as defined in RCW 48.80.030;

(ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(jj) Improperly obtaining financial information, as defined in RCW 9.35.010;

(kk) Identity theft, as defined in RCW 9.35.020;

(ll) Unlawful shipment of cigarettes in violation of RCW 70.155.105(6) (a) or (b);

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(mm) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2);

(nn) Unauthorized sale or procurement of telephone records in violation of RCW 9.26A.140;

(oo) Theft with the intent to resell, as defined in RCW 9A.56.340;

(pp) Organized retail theft, as defined in RCW 9A.56.350;

(qq) Mortgage fraud, as defined in RCW 19.144.080;

(rr) Commercial sexual abuse of a minor, as defined in RCW 9.68A.100; ~~((#))~~

(ss) Promoting commercial sexual abuse of a minor, as defined in RCW 9.68A.101; or

(tt) Trafficking, as defined in RCW 9A.40.100, promoting travel for commercial sexual abuse of a minor, as defined in RCW 9.68A.102, and permitting commercial sexual abuse of a minor, as defined in RCW 9.68A.103.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not

relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

Sec. 11. RCW 13.34.132 and 2011 c 309 s 28 are each amended to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the department or the supervising agency;

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and

convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of trafficking, or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child.

(f) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

~~((#))~~ (g) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

~~((#))~~ (h) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in RCW 13.38.040, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

~~((#))~~ (i) An infant under three years of age has been abandoned;

~~((#))~~ (j) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

NEW SECTION. Sec. 12. 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. 13. This act takes effect August 1, 2013."

Senator Padden spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Kohl-Welles: "Will the sponsor of the amendment, Senator Padden yield to a question? Senator Padden, what is the intent and the effect of the proposed striking amendment to the committee substitute to this bill?"

Senator Padden: "Thank you Senator Kohl-Welles. The changes in the striking amendment are intended simply to clarify language and make technical corrections to the committee substitute.

Both internal and external references and definitions are harmonized in the amendment to eliminate possible confusion.

Language is added that clarifies that the crimes of trafficking and commercial sexual abuse of a minor are aggravating factors for termination of parental rights. The amendment also removes language that may have unintentionally limited the sex offenses that can currently be used as aggravating circumstances sufficient to order the termination of parental rights.

And finally, the section regarding patronizing a prostitute is removed. The committee substitute included unneeded references which may have unintentionally limited the charging discretion of a prosecuting attorney."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Kohl-Welles to Substitute Senate Bill No. 5669.

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 "trafficking;" strike the remainder of the title and insert "amending RCW 9.68A.090, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, 9A.44.020, 9A.44.128, 9A.44.150, 9A.82.010, and 13.34.132; reenacting and amending RCW 9A.40.100; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5669.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5495, by Senators Holmquist Newbry, Fain, Hobbs, Dammeier and McAuliffe

Expanding the membership of the state building code council.

The measure was read the second time.

MOTION

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Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry and Dammeier be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each amended to read as follows:

There is hereby established a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of ~~((fifteen))~~ seventeen members:

(a) Two members must be county elected legislative body members or elected executives;

(b) Two members must be city elected legislative body members or mayors;

(c) One member must be a local government building code enforcement official;

(d) One member must be a local government fire service official;

(e) One member shall represent general construction, specializing in commercial and industrial building construction;

(f) One member shall represent general construction, specializing in residential and multifamily building construction;

(g) One member shall represent the architectural design profession;

(h) One member shall represent the structural engineering profession;

(i) One member shall represent the mechanical engineering profession;

(j) One member shall represent the construction building trades;

(k) One member shall represent manufacturers, installers, or suppliers of building materials and components;

(l) One member must be a person with a physical disability and shall represent the disability community; ~~((and))~~

(m) One member shall represent the general public;

(n) One member shall represent owners and managers of existing rental properties with one to four units; and

(o) One member shall represent owners and managers of existing rental properties with five or more units.

(2) At least ~~((six))~~ seven of these ~~((fifteen))~~ seventeen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as

an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section.

(6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The department of enterprise services shall provide administrative and clerical assistance to the building code council."

Senators Holmquist Newbry and Hasegawa 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 Holmquist Newbry and Dammeier to Senate Bill No. 5495.

The motion by Senator Holmquist Newbry 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 "council;" strike the remainder of the title and insert "and amending RCW 19.27.070."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Senate Bill No. 5495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5495.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5495 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Eide, Fraser, Hasegawa, Keiser, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker, Rolfes and Shin

ENGROSSED SENATE BILL NO. 5495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5578, by Senators Fraser, Carrell, Padden, Darneille, Harper, Pearson, Hargrove and Kline

Exempting certain family day care providers who have been operating for at least five years from any requirement to have a high school diploma or equivalent education.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to encourage all family day care providers to join the early achievers program, Washington state's quality rating and improvement system. Provider advancement in the levels of the early achievers program also signifies that provider practices will lead to improved quality of services and child outcomes. While the legislature recognizes that achieving an early achievers program level two demonstrates that a provider has laid the foundation for further advancement, the legislature hopes that providers are able to advance to higher levels on the early achievers pathway in order to increase professionalism and achieve better long-term outcomes for children in care.

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

A family day care provider who as of the effective date of this section has been licensed in operation for five years or longer and against whom there has not been a complaint that resulted in an enforcement action is exempt from any requirement to have a high school diploma or equivalent education until March 31, 2017, however by March 31, 2017, the family day care provider must either achieve a high school diploma or equivalent or meet the minimum education requirement by joining the early achievers program, Washington state's quality rating and improvement system."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "adding a new section to chapter 43.215 RCW; and creating a new section."

Senators McAuliffe and Fraser spoke in favor of adoption of the striking amendment.

Senators Padden and Carrell spoke against adoption of the striking amendment.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5578 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5305, by Senators Becker, Schlicher, Kline, Dammeier, Delvin, Ericksen, Parlette and Carrell

Requiring hospitals to report when providing treatment for bullet wounds, gunshot wounds, and stab wounds to all patients.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Frockt and Becker be adopted:

On page 2, after line 32, insert the following:

"(8) If the health care provider believes that the patient's injury could be the result of domestic violence, the hospital must alert a case manager, social worker, domestic violence advocate, or other patient advocate to coordinate with the law enforcement officer who responds to the report required by this section. The law enforcement officer and case manager, social worker, domestic violence advocate, or other patient advocate must determine whether there should be a delay in contact with the patient, suspect, or other witness to assist the patient in ensuring his or her safety or the safety of the patient's family."

Senators Keiser and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser, Frockt and Becker on page 2, after line 32 to Senate Bill No. 5305.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5305, 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.

The Senate resumed consideration of Senate Bill No. 5578 which had been deferred earlier in the day.

WITHDRAWAL OF AMENDMENT

On motion of Senator McAuliffe, the striking amendment by Senator McAuliffe to Senate Bill No. 5578 was withdrawn.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator McAuliffe spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5578.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5578 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Kohl-Welles and McAuliffe

SENATE BILL NO. 5578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5114, by Senators Bailey, Hobbs, Roach, Becker, Carrell, Dammeier, Benton, Honeyford, Padden and King

Regarding access to K-12 campuses for occupational or educational information.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Hobbs and Ranker spoke in favor of passage of the bill.

Senators Nelson and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5114.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Eide, Hasegawa, Kline and Nelson

SENATE BILL NO. 5114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5786, by Senator Hargrove

Requiring certain information in commercial fishing guide license applications.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5786 was substituted for Senate Bill No. 5786 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5786 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5786.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5786 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hatfield

SUBSTITUTE SENATE BILL NO. 5786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5450, by Senator Parlette

Concerning public hospital districts insurance coverage for commissioners.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Darneille, Eide and Kohl-Welles

SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5216, by Senators Rolfes, Bailey, Mullet, Parlette, Keiser, Shin and Conway

Addressing long-term care insurance.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Becker and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5216.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5216 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5618, by Senators Carrell, Padden, Pearson and Harper

Including searches by school resource officers and local police school liaison officers within the warrantless school search exception.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. Would you ask the speaker to stick to the bill at hand and not other issues?"

REPLY BY THE PRESIDENT

President Owen: "Senator Kline."

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5618.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5618 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Eide, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson and Ranker

SENATE BILL NO. 5618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5438, by Senators Ericksen and Chase

Using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5438 was substituted for Senate Bill No. 5438 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, beginning on line 5, after "used" strike all material through "target" on line 6 and insert "for up to three biennial acquisition targets."

Senator Ericksen spoke in favor of adoption of the amendment.

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Senator Ranker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 2, line 5 to Substitute Senate Bill No. 5438.

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

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Sheldon spoke in favor of passage of the bill.

Senator Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Chase, Cleveland, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Ranker and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Benton, Roach and Hobbs

Providing a replacement ballot by telephone, mail, or in person to a voter who is not a voter that is overseas or in the military.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Hasegawa, Frockt, Mullet, Rolfes and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, March 5, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

FIFTIETH DAY, MARCH 4, 2013

2013 REGULAR SESSION

5069	Second Reading	2	5524	Second Reading	2
	Third Reading Final Passage	3		Third Reading Final Passage	2
5114	Second Reading	15	5524-S	Second Reading	2
	Third Reading Final Passage	15		Third Reading Final Passage	2
5176	Second Reading	4	5559	Second Reading	3
5176-S	Second Reading	4		Third Reading Final Passage	3
	Third Reading Final Passage	5	5559-S	Second Reading	3
5180	Second Reading	5		Third Reading Final Passage	3
	Third Reading Final Passage	5	5578	Other Action	14
5180-S	Second Reading	5		Second Reading	14
	Third Reading Final Passage	5		Third Reading Final Passage	15
5216	Second Reading	16	5618	Second Reading	16
	Third Reading Final Passage	16		Third Reading Final Passage	16
5274	Second Reading	3	5669	Second Reading	6
5274-S	Second Reading	3		Third Reading Final Passage	6
	Third Reading Final Passage	3	5669-S	Other Action	12
5305	Second Reading	14		Second Reading	6
	Third Reading Final Passage	14		Third Reading Final Passage	12
5369	Second Reading	2	5701	Other Action	3
	Third Reading Final Passage	2		Second Reading	3, 4
5369-S	Second Reading	2		Third Reading Final Passage	4
	Third Reading Final Passage	2	5705	Second Reading	5
5438	Second Reading	16		Third Reading Final Passage	5
	Third Reading Final Passage	16	5705-S	Second Reading	5
5438-S	Second Reading	16		Third Reading Final Passage	5
	Third Reading Final Passage	17	5786	Second Reading	15
5450	Second Reading	15		Third Reading Final Passage	15
	Third Reading Final Passage	16	5786-S	Second Reading	15
5472	Second Reading	5		Third Reading Final Passage	15
	Third Reading Final Passage	5	5865	Introduction & 1 st Reading	1
5488	Second Reading	6		Adopted	2
	Third Reading Final Passage	6		Introduced	1
5495	Other Action	13	PRESIDENT OF THE SENATE		
	Second Reading	12, 13		Intro. Special Guest, Mark Wojahn	2
	Third Reading Final Passage	13		Reply by the President	16
5500			WASHINGTON STATE SENATE		
				Point of Inquiry, Senator Kohl-Welles	12
				Point of Order, Senator Schoesler	16