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## ONE HUNDRED THIRD DAY

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House Chamber, Olympia, Friday, April 26, 2013

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sophie Jenkinson and Seth Stauer. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Judy Warnick, 13<sup>th</sup> District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### MESSAGES FROM THE SENATE

April 25, 2013

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405  
SENATE BILL NO. 5797

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

April 25, 2013

MR. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1421

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

April 25, 2013

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5851  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTIONS AND FIRST READING

HB 2058 by Representatives Hawkins, Riccelli and Bergquist

AN ACT Relating to transparency in enacted state capital and transportation budget appropriations and expenditures; amending RCW 44.48.150; and creating a new section.

HCR 4405 by Representatives Sullivan and Kretz

Directing that HB 2056 be considered.

HCR 4406 by Representatives Sullivan and Kretz

Directing that HB 2058 be considered.

ESSB 5851 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Hill and Baumgartner)

AN ACT Relating to creating a defined contribution retirement plan option for public employees; amending RCW 41.04.440, 41.04.445, 41.04.450, 41.50.030, and 43.33A.190; reenacting and amending RCW 41.50.110; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new chapter to Title 41 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5892 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Kline)

AN ACT Relating to reducing corrections costs; amending RCW 9.94A.517, 9.94A.190, 9.94A.729, and 70.48.130; adding a new section to chapter 9.94A RCW; adding a new section to chapter 70.41 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Public Safety.

SSB 5913 by Senate Committee on Ways & Means (originally sponsored by Senator Becker)

AN ACT Relating to a hospital safety net assessment and quality incentive program for increased hospital payments to improve health care access for the citizens of Washington; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.070, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.140, 74.60.150, 74.60.900, and 74.60.901; reenacting and amending RCW 74.09.522; adding a new section to chapter 74.60 RCW; adding a new section to chapter 74.09 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exceptions of HOUSE BILL NO. 2058, HOUSE CONCURRENT RESOLUTION NO. 4405, and HOUSE CONCURRENT RESOLUTION NO. 4406 which were read the first time, and under suspension of the rules were placed on the second reading calendar.

**REPORTS OF STANDING COMMITTEES**

April 22, 2013

HB 1954 Prime Sponsor, Representative Clibborn:  
Concerning transportation revenue. Reported by  
Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Lias, Vice Chair; Moscoso, Vice Chair; Bergquist; Farrell; Fitzgibbon; Habib; Moeller; Morris; Riccelli; Ryu; Sells; Takko; Tarleton and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel; Hayes; Johnson; Klippert; Kochmar; Kretz; Kristiansen; O'Ban; Rodne; Shea and Zeiger.

Passed to Committee on Rules for second reading.

April 25, 2013

HB 2056 Prime Sponsor, Representative Hurst: Correcting the definition of THC concentration as adopted by Initiative Measure No. 502 to avoid an implication that conversion, by combustion, of tetrahydrocannabinol acid into delta-9 tetrahydrocannabinol is not part of the THC content that differentiates marijuana from hemp. Reported by Committee on Government Accountability & Oversight

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Blake; Kirby; Moscoso and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member and Shea.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee report under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2056, which was placed on the second reading calendar.

**SECOND READING**

**HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Sullivan and Kretz**

**Directing that HB 2056 be considered.**

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Lytton and Shea spoke in favor of the passage of the resolution.

**MOTIONS**

On motion of Representative Holy, Representative Crouse was excused. On motion of Representative Van De Wege, Representative Upthegrove was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4405.

**ROLL CALL**

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4405, and the resolution passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Hudgins.

Excused: Representatives Crouse, DeBolt and Upthegrove.

HOUSE CONCURRENT RESOLUTION NO. 4405, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan and Kretz**

**Directing that HB 2058 be considered.**

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Lytton and Wilcox spoke in favor of the passage of the resolution.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4406.

**ROLL CALL**

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4406, and the resolution passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hunt, Hunter,

Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Hudgins, Liias, Reykdal and Sawyer.

Excused: Representatives Crouse, DeBolt and Upthegrove.

HOUSE CONCURRENT RESOLUTION NO. 4406, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 26, 2013

MR. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1242  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1412  
SUBSTITUTE HOUSE BILL NO. 1466  
SUBSTITUTE HOUSE BILL NO. 1612  
SECOND SUBSTITUTE HOUSE BILL NO. 1764  
HOUSE BILL NO. 1768  
SUBSTITUTE HOUSE BILL NO. 1779  
SUBSTITUTE HOUSE BILL NO. 1941

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

### SECOND READING

**HOUSE BILL NO. 1539, by Representatives Rodne, Springer, Hargrove, Sullivan, Magendanz, Takko, Kochmar, Pettigrew, Fitzgibbon and Ryu**

**Concerning the annexation of unincorporated territory within a code city.**

The bill was read the second time.

Representative Rodne moved the adoption of amendment (485).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35A.14.295 and 1997 c 429 s 36 are each amended to read as follows:

(1) The legislative body of a code city may resolve to annex territory containing residential property owners to the city if there is within the city, unincorporated territory:

(a) Containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the code city; or

(b) Of any size and having ~~((at least eighty percent))~~ all of the boundaries of such area contiguous to the city ~~((if such area existed before June 30, 1994)),~~ and is within the same county and within the same urban growth area designated under RCW 36.70A.110, and the city ~~((was))~~ is planning under chapter 36.70A RCW ~~((as of June 30, 1994)).~~

(2) The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may

be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

(3) For purposes of subsection (1)(b) of this section, territory bounded by a river, lake, or other body of water is considered contiguous to a city that is also bounded by the same river, lake, or other body of water."

Correct the title.

Representatives Rodne and Springer spoke in favor of the adoption of the amendment.

Amendment (485) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rodne, Springer and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1539.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1539, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Crouse and DeBolt.

ENGROSSED HOUSE BILL NO. 1539, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5843, by Senators Tom, Billig, Hill, Hobbs, Murray, Darneille, Kohl-Welles, Conway and Frockt**

**Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent.**

**(REVISED FOR ENGROSSED: Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide a statement of legislative intent and include an expiration date where applicable.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 101, April 24, 2013).

Representative Carlyle moved the adoption of amendment (474) to the committee amendment:

On page 1, beginning on line 5 of the amendment, after "every" strike "bill enacting a"

On page 7, after line 12 of the amendment, insert the following: "**NEW SECTION. Sec. 9.** A new section is added to chapter 82.16 RCW to read as follows:

See section 1 of this act for the expiration date of new tax preferences for the tax imposed under this chapter."

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

Representative Carlyle spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (474) to the committee amendment was adopted.

Representative Carlyle moved the adoption of amendment (487) to the committee amendment.

On page 2, line 12 of the amendment, after "structure;" strike "or"  
On page 2, line 14 of the amendment, after "individuals" insert ";  
or

(f) Tax preferences intended to achieve a general purpose not identified in (a) through (e) of this subsection"

On page 3, beginning on line 3 of the amendment, after "preference" strike ", as well as the taxpayer's gross income and taxable income."

On page 3, line 9 of the amendment, after "disclosed." insert "Taxpayers may request the department to treat the amount of the tax preference claimed by a taxpayer during a calendar year as confidential under RCW 82.32.330 if the amount for the calendar year is less than ten thousand dollars."

Beginning on page 3, line 28 of the amendment, strike all of section 4

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

Representatives Carlyle and Nealey spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (487) to the committee amendment was adopted.

Representative Orcutt moved the adoption of amendment (481) to the committee amendment.

On page 3, beginning on line 3 of the amendment, after "(7)" strike all material through "(8)" on line 10 of the amendment

On page 5, beginning on line 32 of the amendment, after "disclosed." strike all material through "82.32.330." on line 35 of the amendment

Representatives Orcutt, Chandler and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Carlyle and Pollet spoke against the adoption of the amendment to the committee amendment.

Amendment (481) to the committee amendment was not adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Carlyle, Nealey and Manweller spoke in favor of the passage of the bill.

Representatives Orcutt and Rodne spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5843, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5843, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Hansen, Hargrove, Harris, Hawkins, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kirby, Kristiansen, Liias, Lytton, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Ryu, Santos, Sawyer, Seaquist, Sells, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Alexander, Buys, Chandler, Condotta, Dahlquist, Fagan, Haler, Hayes, Holy, Hope, Johnson, Klippert, Kochmar, Kretz, MacEwen, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick and Wilcox.

Excused: Representatives Crouse and DeBolt.

ENGROSSED SENATE BILL NO. 5843, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5072, by Senate Committee on Ways & Means (originally sponsored by Senators Delvin, Hobbs, Baumgartner, Becker, Carrell, Roach, Schoesler, Holmquist Newbry, Hatfield, Hewitt, Shin, Keiser and Rolfes)**

**Concerning a sales and use tax exemption for disabled veterans and members of the armed forces for certain equipment and services that assist physically challenged persons to safely operate a motor vehicle.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 86, April 9, 2013).

Representative Orcutt moved the adoption of amendment (431) to the committee amendment:

On page 3, line 7 of the striking amendment, strike all of subsection (4).

On page 3, line 21 of the striking amendment, strike all of subsection (3).

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Carlyle spoke against the adoption of the amendment to the committee amendment.

Amendment (431) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Carlyle, Angel and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5072, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5072, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Crouse and DeBolt.

SUBSTITUTE SENATE BILL NO. 5072, as amended by the House, having received the necessary constitutional majority, was declared passed.

### THIRD READING

### MESSAGE FROM THE SENATE

April 25, 2013

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1183 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.0384 and 1996 c 323 s 2 are each amended to read as follows:

(1) Decisions pertaining to applications to site ~~((personal))~~ wireless service facilities are not subject to the requirements of RCW 43.21C.030(2)(c), if those facilities meet the following requirements:

(a)~~((i))~~ The ~~((facility to be sited is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school))~~ collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures does not substantially change the physical dimensions of such structures; or ~~((ii))~~ the facility includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or a school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agricultural zone; or ~~((iii))~~

~~(b)~~ The siting project involves constructing a ~~((personal))~~ wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone~~(;~~ ~~and~~

~~(b) The project is not in~~). This exemption does not apply to projects within a designated ~~((environmentally sensitive))~~ critical area(; ~~and~~

~~(c) The project does not consist of a series of actions: (i) Some of which are not categorically exempt; or (ii) that together may have a probable significant adverse environmental impact).~~

(2) The exemption authorized under subsection (1) of this section may only be applied to a project consisting of a series of actions when all actions in the series are categorically exempt and the actions together do not have a probable significant adverse environmental impact.

(3) The department of ecology shall adopt rules to create a categorical exemption for ~~((microcells and other personal))~~ wireless service facilities that meet the conditions set forth in subsections (1) and (2) of this section.

~~((3))~~ For the purposes of this section:)

(4) By January 1, 2020, all wireless service providers granted an exemption to RCW 43.21C.030(2)(c) must provide the legislature with the number of permits issued pertaining to wireless service facilities, the number of exemptions granted under this section, and the total dollar investment in wireless service facilities between July 1, 2013, and June 30, 2019.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "~~((Personal))~~ Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(b) "~~((Personal))~~ Wireless service facilities" means facilities for the provision of ~~((personal))~~ wireless services.

(c) ("Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length) "Collocation" means the mounting or installation of equipment on an existing tower, building, or structure for the purpose of either transmitting or receiving, or both, radio frequency signals for communications purposes.

(d) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.

(e) "Substantially change the physical dimensions" means:

(i) The mounting of equipment on a structure that would increase

the height of the structure by more than ten percent, or twenty feet, whichever is greater; or

(ii) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.

**NEW SECTION. Sec. 2.** The code reviser is directed to put the defined terms in RCW 43.21C.0384(5) into alphabetical order."

On page 1, line 1 of the title, after "structures;" strike the remainder of the title and insert "amending RCW 43.21C.0384; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1183 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1183, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1183, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Liias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoco, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Crouse and DeBolt.

SUBSTITUTE HOUSE BILL NO. 1183, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 24, 2013

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1471 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.056 and 2010 c 113 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) ~~((Beginning July 1, 2008,))~~ Central line-associated bloodstream infection in ~~((the intensive care unit))~~ all hospital inpatient areas where patients normally reside at least twenty-four hours;

(ii) ~~((Beginning January 1, 2009, ventilator-associated pneumonia;~~

~~and~~ ~~((Beginning January 1, 2010,))~~ Surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

(C) ~~((Hysterectomy, abdominal and vaginal.~~

~~—(b)(i) Except as required under (b)(ii) and (c) of this subsection,))~~

Colon and abdominal hysterectomy procedures.

(b) The department shall, by rule, delete, add, or modify categories of reporting when the department determines that doing so is necessary to align state reporting with the reporting categories of the centers for medicare and medicaid services. The department shall begin rule making forty-five calendar days, or as soon as practicable, after the centers for medicare and medicaid services adopts changes to reporting requirements.

(c) A hospital must routinely collect and submit the data required to be collected under (a) ~~and~~ (b) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

~~((ii) Until the national health care safety network releases a revised module that successfully interfaces with a majority of computer systems of Washington hospitals required to report data under (a)(iii) of this subsection or three years, whichever occurs sooner, a hospital shall monthly submit the data required to be collected under (a)(iii) of this subsection to the Washington state hospital association's quality benchmarking system instead of the national health care safety network. The department shall not include data reported to the quality benchmarking system in reports published under subsection (3)(d) of this section. The data the hospital submits to the quality benchmarking system under (b)(ii) of this subsection:~~

~~—(A) Must include the number of infections and the total number of surgeries performed for each type of surgery; and~~

~~—(B) Must be the basis for a report developed by the Washington state hospital association and published on its web site that compares the health care associated infection rates for surgical site infections at individual hospitals in the state using the data reported in the previous calendar year pursuant to this subsection. The report must be published on December 1, 2010, and every year thereafter until data is again reported to the national health care safety network.~~

~~—(c)(i) With respect to any of the health care associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:~~

~~—(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and~~

~~—(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.~~

~~(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.)~~ If the centers for medicare and medicaid services changes reporting from the national healthcare safety network to another database or through another process, the department shall review the new reporting database or process and consider whether it aligns with the purposes of this section.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department consistent with RCW 70.02.050.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By ~~(January 1, 2011))~~ November 1, 2013, and biennially thereafter, submit a report to the appropriate committees of the legislature ~~((based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations))~~ that contains: (i) Categories of reporting currently required of hospitals under subsection (2)(a) of this section; (ii) categories of reporting the department plans to add, delete, or modify by rule; and (iii) a description of the evaluation process used under (d) of this subsection;

(c) ~~((Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;~~

~~—(d))~~ By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; ~~((and~~

~~—(e))~~ (d) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies; and

(e) Provide assistance to hospitals with the reporting requirements of this chapter including definitions of required reporting elements.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals. ~~((Annually, beginning January 1, 2011, the advisory committee shall also make a recommendation to the department as to whether current science supports expanding presurgical screening for methicillin resistant staphylococcus aureus prior to open chest cardiac, total hip, and total knee elective surgeries.))~~

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

**Sec. 2.** RCW 43.70.056 and 2013 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Central line-associated bloodstream infection in all hospital inpatient areas where patients normally reside at least twenty-four hours;

(ii) Surgical site infection for ~~((the following procedures: —(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft; —(B) Total hip and knee replacement surgery; and —(C))~~ colon and abdominal hysterectomy procedures.

(b) The department shall, by rule, delete, add, or modify categories of reporting when the department determines that doing so is necessary to align state reporting with the reporting categories of the centers for medicare and medicaid services. The department shall begin rule making forty-five calendar days, or as soon as practicable,

after the centers for medicare and medicaid services adopts changes to reporting requirements.

(c) A hospital must routinely collect and submit the data required to be collected under (a) and (b) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

If the centers for medicare and medicaid services changes reporting from the national healthcare safety network to another database or through another process, the department shall review the new reporting database or process and consider whether it aligns with the purposes of this section.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department consistent with RCW 70.02.050.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By November 1, 2013, and biennially thereafter, submit a report to the appropriate committees of the legislature that contains: (i) Categories of reporting currently required of hospitals under subsection (2)(a) of this section; (ii) categories of reporting the department plans to add, delete, or modify by rule; and (iii) a description of the evaluation process used under (d) of this subsection;

(c) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome;

(d) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies; and

(e) Provide assistance to hospitals with the reporting requirements of this chapter including definitions of required reporting elements.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and

consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

NEW SECTION. Sec. 3. Section 1 of this act expires July 1, 2017.

NEW SECTION. Sec. 4. Section 2 of this act takes effect July 1, 2017."

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 43.70.056 and 43.70.056; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1471 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1471, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1471, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Crouse and DeBolt.

HOUSE BILL NO. 1471, as amended by the Senate, having received the necessary constitutional majority, was declared passed.



The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1130  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253  
 ENGROSSED HOUSE BILL NO. 1421  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552  
 SECOND SUBSTITUTE HOUSE BILL NO. 1723  
 SUBSTITUTE HOUSE BILL NO. 1821

The Speaker called upon Representative Moeller to preside.

### MESSAGES FROM THE SENATE

April 26, 2013

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 5213  
 ENGROSSED SENATE BILL NO. 5221

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

April 26, 2013

MR. SPEAKER:

The Senate has passed: HOUSE CONCURRENT RESOLUTION NO. 4405 and the same is herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 2056, by Representatives Hurst and Condotta**

**Correcting the definition of THC concentration as adopted by Initiative Measure No. 502 to avoid an implication that conversion, by combustion, of tetrahydrocannabinol acid into delta-9 tetrahydrocannabinol is not part of the THC content that differentiates marijuana from hemp.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Government Accountability & Oversight was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2056.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2056, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lias, Lytton, MacEwen, Magendanz, Manweller, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, Nealey, O'Ban, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Upthegrove, Van De Wege, Vick, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Hudgins.

Excused: Representatives Crouse and DeBolt.

ENGROSSED HOUSE BILL NO. 2056, having received the necessary constitutional majority, was declared passed.

### THIRD READING

### MESSAGE FROM THE SENATE

April 26, 2013

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5236 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter Goodman Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SENATE BILL NO. 5236 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED SENATE BILL NO. 5236, by Senators Kline and Padden**

**Creating the uniform correction or clarification of defamation act.**

The bill was read the second time.

Representative Goodman moved the adoption of amendment (491).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. INTENT.** Since the United States Supreme Court recognized the First Amendment limitations on the common law tort of defamation and defamation-like torts, courts have struggled to achieve a balance between constitutionally protected guarantees of free expression and the need to protect citizens from reputational harm. Unlike personal injuries, harm to reputation can often be cured by means other than money damages. The correction or clarification of a published statement may restore a person's reputation more quickly and more thoroughly than a victorious lawsuit. The salutary effect of a correction or clarification is enhanced if it is published reasonably soon after a statement is made.

This act seeks to provide strong incentives for individuals to promptly correct or clarify an alleged false statement as an alternative to costly litigation. The options created by this act provide an opportunity for a plaintiff who believes he or she has been harmed by a false statement to secure quick and complete vindication of his or her reputation. This act provides publishers with a quick and cost-effective means of correcting or clarifying alleged mistakes and avoiding costly litigation.

**NEW SECTION. Sec. 2. DEFINITION.** The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity. The term does not include a government or governmental subdivision, agency, or instrumentality.

**NEW SECTION. Sec. 3. SCOPE.** (1) This chapter applies to any claim for relief, however characterized, for damages arising out of harm caused by the false content of a publication that is published on or after the effective date of this section.

(2) This chapter applies to all publications, including writings, broadcasts, oral communications, electronic transmissions, or other forms of transmitting information.

**NEW SECTION. Sec. 4. REQUEST FOR CORRECTION OR CLARIFICATION.** (1) A person may maintain an action for defamation or another claim covered by this chapter only if:

(a) The person has made a timely and adequate request for correction or clarification from the defendant; or

(b) The defendant has made a correction or clarification.

(2) A request for correction or clarification is timely if made within the period of limitation for commencement of an action for defamation.

(3) A request for correction or clarification is adequate if it:

(a) Is made in writing and reasonably identifies the person making the request;

(b) Specifies with particularity the statement alleged to be false and defamatory or otherwise actionable and, to the extent known, the time and place of publication;

(c) Alleges the defamatory meaning of the statement;

(d) Specifies the circumstances giving rise to any defamatory meaning of the statement which arises from other than the express language of the publication; and

(e) States that the alleged defamatory meaning of the statement is false.

(4) In the absence of a previous adequate request, service of a summons and complaint stating a claim for defamation or another claim covered by this chapter and containing the information required in subsection (3) of this section constitutes an adequate request for correction or clarification.

(5) The period of limitation for commencement of a defamation action or another claim covered by this chapter is tolled during the period allowed in section 7(1) of this act for responding to a request for correction or clarification.

**NEW SECTION. Sec. 5. DISCLOSURE OF EVIDENCE OF FALSITY.** (1) A person who has been requested to make a correction or clarification may ask the requester to disclose

reasonably available information material to the falsity of the allegedly defamatory or otherwise actionable statement.

(2) If a correction or clarification is not made, a person who unreasonably fails to disclose the information after a request to do so may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

**NEW SECTION. Sec. 6. EFFECT OF CORRECTION OR CLARIFICATION.** If a timely and sufficient correction or clarification is made, a person may not recover damages for injury to reputation or presumed damages; however, the person may recover all other damages permitted by law.

**NEW SECTION. Sec. 7. TIMELY AND SUFFICIENT CORRECTION OR CLARIFICATION.** (1) A correction or clarification is timely if it is published before, or within thirty days after, receipt of a request for correction or clarification or of the information in section 5(1) of this act, whichever is later, unless the period is extended by written agreement of the parties.

(2) A correction or clarification is sufficient if it:

(a) Is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of;

(b) Refers to the statement being corrected or clarified and:

(i) Corrects the statement;

(ii) In the case of defamatory or false meaning arising from other than the express language of the publication, disclaims an intent to communicate that meaning or to assert its truth; or

(iii) In the case of a statement attributed to another person, identifies the person and disclaims an intent to assert the truth of the statement;

(c) In advance of the publication, is provided to the person who has made a request for correction or clarification; and

(d) Accompanies and is an equally prominent part of any electronic publication of the allegedly defamatory or otherwise actionable statement by the publisher.

(3) A correction or clarification is published in a medium reasonably likely to reach substantially the same audience as the publication complained of if it is published in a later issue, edition, or broadcast of the original publication.

(4) If a later issue, edition, or broadcast of the original publication will not be published within the time limits established for a timely correction or clarification, a correction or clarification is published in a manner and medium reasonably likely to reach substantially the same audience as the publication complained of if:

(a) It is timely published in a reasonably prominent manner:

(i) In another medium likely to reach an audience reasonably equivalent to the original publication; or

(ii) If the parties cannot agree on another medium, in the newspaper with the largest general circulation in the region in which the original publication was distributed;

(b) Reasonable steps are taken to correct undistributed copies of the original publication, if any; and

(c) It is published in the next practicable issue, edition, or broadcast, if any, of the original publication.

(5) A correction or clarification is timely and sufficient if the parties agree in writing that it is timely and sufficient.

**NEW SECTION. Sec. 8. CHALLENGES TO CORRECTION OR CLARIFICATION OR TO REQUEST FOR CORRECTION OR CLARIFICATION.** (1) If a defendant in an action governed by this chapter intends to rely on a timely and sufficient correction or clarification, the defendant's intention to do so, and the correction or clarification relied upon, must be set forth in a notice served on the plaintiff within sixty days after service of the summons and complaint or ten days after the correction or clarification is made, whichever is later.

(2) If a defendant in an action governed by this chapter intends to challenge the adequacy or timeliness of a request for correction or clarification, the defendant must set forth the challenge in a motion to declare the request inadequate or untimely served within sixty days after service of the summons and complaint. The court shall rule on the motion at the earliest appropriate time before trial.

**NEW SECTION. Sec. 9. OFFER TO CORRECT OR CLARIFY.** (1) If a timely correction or clarification is no longer possible, the publisher of an alleged defamatory or otherwise actionable statement may offer, at any time before trial, to make a correction or clarification. The offer must be made in writing to the person allegedly harmed by the publication and:

(a) Contain the publisher's offer to:

(i) Publish, at the person's request, a sufficient correction or clarification; and

(ii) Pay the person's reasonable expenses of litigation, including attorneys' fees, incurred before publication of the correction or clarification; and

(b) Be accompanied by a copy of the proposed correction or clarification and the plan for its publication.

(2) If the person accepts in writing an offer to correct or clarify made pursuant to subsection (1) of this section:

(a) The person is barred from commencing an action against the publisher based on the statement; or

(b) If an action has been commenced, the court shall dismiss the action against the defendant with prejudice after the defendant complies with the terms of the offer.

(3) A person who does not accept an offer made in conformance with subsection (1) of this section may not recover damages for injury to reputation or presumed damages in an action based on the statement; however, the person may recover all other damages permitted by law, together with reasonable expenses of litigation, including attorneys' fees, incurred before the offer, unless the person failed to make a good-faith attempt to request a correction or clarification in accordance with section 4 of this act or failed to disclose information in accordance with section 5 of this act.

(4) On request of either party, a court shall promptly determine the sufficiency of the offered correction or clarification.

**NEW SECTION. Sec. 10. SCOPE OF PROTECTION.** A timely and sufficient correction or clarification made by a person responsible for a publication constitutes a correction or clarification made by all persons responsible for that publication other than a republisher. However, a correction or clarification that is sufficient only because of the operation of section 7(2)(b)(iii) of this act does not constitute a correction or clarification made by the person to whom the statement is attributed.

**NEW SECTION. Sec. 11. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

**NEW SECTION. Sec. 12. SHORT TITLE.** This chapter may be known and cited as the uniform correction or clarification of defamation act.

**NEW SECTION. Sec. 13.** 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. 14.** Sections 2 through 12 of this act constitute a new chapter in Title 7 RCW."

Correct the title.

Representative Goodman spoke in favor of the adoption of the amendment.

Representative Shea spoke against the adoption of the amendment.

Amendment (491) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and O'Ban spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5236, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5236, as amended by the House, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Habib, Haigh, Hansen, Hargrove, Harris, Hawkins, Hayes, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kirby, Kochmar, Kristiansen, Liias, Lytton, Magendanz, Manweiler, Maxwell, McCoy, Moeller, Morrell, Morris, Moscoso, O'Ban, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Upthegrove, Van De Wege, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Angel, Buys, Chandler, Condotta, Haler, Holy, Hope, Johnson, Klippert, Kretz, MacEwen, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Sawyer, Schmick, Scott, Shea, Short, Taylor, Vick and Walsh.

Excused: Representatives Crouse and DeBolt.

ENGROSSED SENATE BILL NO. 5236, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 12:00 Noon, April 27, 2013, the 104th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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Amendment Offered .....	4
Third Reading Final Passage .....	5
5213-S2	
Messages .....	8
5221	
Messages .....	8
5236	
Second Reading .....	9
Amendment Offered .....	9
Third Reading Final Passage .....	10
Other Action .....	9
Message .....	8
5405-S2	
Messages .....	1
5797	
Messages .....	1
5843	
Second Reading .....	3
Amendment Offered .....	3
Third Reading Final Passage .....	4
5851-S	
Introduction & 1st Reading .....	1
Messages .....	1
5892-S	
Introduction & 1st Reading .....	1
5913-S	
Introduction & 1st Reading .....	1