

**FORTY EIGHTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Saturday, February 27, 2010

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Delvin, Fraser, Holmquist, McCaslin, Murray, Prentice, Swecker and Tom.

The Sergeant at Arms Color Guard consisting of Senate Interns, Ben Nelson and Jason Doudt, presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 2010

SB 6444 Prime Sponsor, Senator Prentice: Making 2010 operating supplemental appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6444 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

There being no objection, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 12, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT C. ANDERSON, appointed February 12, 2010, for the term ending October 1, 2012, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

February 12, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MIKE D. MARAVE, reappointed February 12, 2010, for the term ending October 1, 2012, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 26, 2010

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL 2935,

SUBSTITUTE HOUSE BILL 2941,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 26, 2010

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL 2954,

ENGROSSED HOUSE BILL 2969,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 11:11 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:54 a.m. by President Owen.

### MOTION

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

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464, by House Committee on Transportation (originally sponsored by Representatives Liias, Johnson, O'Brien, Morrell, Maxwell, Sullivan, Simpson, Van De Wege, Kenney, Ericks and Sells)

Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

The measure was read the second time.

### MOTION

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

Strike everything after the enacting clause and insert the following: "Sec. 1. RCW 46.61.212 and 2007 c 83 s 1 are each amended to read as follows:

(1) The driver of any motor vehicle, upon approaching an emergency zone, which is defined as the adjacent lanes of the roadway two hundred feet before and after (a) a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190, (b) a tow truck that is making use of visual red lights meeting the requirements of RCW 46.37.196, (c) other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree visibility, or (d) a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights, shall:

((4)) (i) On a highway having four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle;

((2)) (ii) On a highway having less than four lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the highway; or

((3)) (iii) If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

(2) A person may not drive a vehicle in an emergency zone at a speed greater than the posted speed limit.

(3) A person found to be in violation of this section, or any infraction relating to speed restrictions in an emergency zone, must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property is guilty of reckless endangerment of

emergency zone workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the driver's license, permit to drive, or nonresident driving privilege of a person convicted of reckless endangerment of emergency zone workers.

NEW SECTION. Sec. 2. (1) Within existing resources, the state patrol and the department of transportation shall conduct education and outreach efforts regarding emergency zones, including drivers' obligations in emergency zones and the penalties for violating these obligations, for at least ninety days after the effective date of this act. The education and outreach efforts must include the use of department of transportation variable message signs.

(2) This section expires June 30, 2011.

Sec. 3. RCW 46.63.020 and 2009 c 485 s 6 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

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(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, stagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

(38) RCW 46.61.500 relating to reckless driving;

~~((38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((39))~~ (40) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((40))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((41))~~ (42) RCW 46.61.522 relating to vehicular assault;

~~((42))~~ (43) RCW 46.61.5249 relating to first degree negligent driving;

~~((43))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((44))~~ (45) RCW 46.61.530 relating to racing of vehicles on highways;

~~((45))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((46))~~ (47) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((47))~~ (48) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((48))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((49))~~ (50) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((50))~~ (51) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((51))~~ (52) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((52))~~ (53) RCW 46.35.030 relating to recording device information;

~~((53))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((54))~~ (55) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((55))~~ (56) RCW 46.72A.060 relating to limousine carrier insurance;

~~((56))~~ (57) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((57))~~ (58) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((58))~~ (59) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((59))~~ (60) Chapter 46.82 RCW relating to driver's training schools;

~~((60))~~ (61) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((61))~~ (62) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**Sec. 4.** RCW 46.20.342 and 2008 c 282 s 4 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.212(4), relating to reckless endangerment of emergency zone workers;

(ix) A conviction of RCW 46.61.500, relating to reckless driving;

~~((x))~~ (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

~~((xi))~~ (xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

~~((xii))~~ (xii) A conviction of RCW 46.61.522, relating to vehicular assault;

~~((xiii))~~ (xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

~~((xiv))~~ (xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

~~((xv))~~ (xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

~~((xvi))~~ (xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

~~((xvii))~~ (xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((xviii))~~ (xviii) An administrative action taken by the department under chapter 46.20 RCW; or

~~((xix))~~ (xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (c)(i) through (vii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

**Sec. 5.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution

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program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted

under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited in the state general fund. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2011."

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

MOTION

On motion of Senator Brandland, Senators Delvin, Holmquist, McCaslin and Swecker were excused.

MOTION

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2464.

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

MOTION

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

On page 1, line 2 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 46.61.212, 46.63.020, 46.20.342, and 46.63.110; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute House Bill No. 2464 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2464 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2464 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 8; Absent, 2; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Eide, Fairley, Franklin, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Zarelli

Voting nay: Senators Carrell, Gordon, Hargrove, Hewitt, Kauffman, Morton, Roach and Stevens

Absent: Senators Fraser and Tom

Excused: Senators Brown, Delvin, Holmquist, McCaslin, Murray, Prentice and Swecker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marr, Senators Fraser and Tom were excused.

#### SECOND READING

HOUSE BILL NO. 2996, by Representatives Quall and Priest

Including approved private schools in the superintendent of public instruction's record check information rules.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2996.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2996 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

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

Excused: Senators Brown, Delvin, Fraser, Holmquist, McCaslin, Murray, Prentice, Swecker and Tom

HOUSE BILL NO. 2996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marr, Senator Regala was excused.

#### SECOND READING

HOUSE BILL NO. 2681, by Representatives Goodman, Rodne and Kelley

Allowing compensation for part-time judges' judicial services.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 3.34.140 and 1984 c 258 s 20 are each amended to read as follows:

Any district judge may hold a session in any district in the state, at the request of the judge or majority of judges in the district if the visiting judge determines that the state of business in his or her district allows the judge to be absent. The county legislative authority in which the district court is located shall first approve the temporary absence and the judge pro tempore shall not be required to serve during the judge's absence. A visiting judge shall be entitled to reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended while so acting, to be paid by the visited district. These expenses shall not be paid to the visiting judge unless the legislative authority of the county in which the visited district is located has approved the payment before the visit. In addition a visiting part-time district court judge, when not serving in a judicial capacity in his or her district, shall be entitled to compensation for judicial services so long as the legislative authority of the county in which the visited district is located has approved the payment before the visit."

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2681.

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

#### MOTION

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

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 3.34.140."

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2681 as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2681 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2681 as amended by the Senate and the bill passed the

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Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

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

Excused: Senators Brown, Delvin, Fraser, Holmquist, McCaslin, Murray, Prentice, Regala, Swecker and Tom

HOUSE BILL NO. 2681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2858, by Representatives Appleton, Anderson, Sells, White and Wallace

Regarding the purchasing authority of institutions of higher education.

The measure was read the second time.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 2858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2858.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2858 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

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

Excused: Senators Brown, Delvin, Fraser, Holmquist, McCaslin, Murray, Prentice, Swecker and Tom

HOUSE BILL NO. 2858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2490, by Representative Angel

Concerning persons with intellectual disabilities.

The measure was read the second time.

#### MOTION

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On motion of Senator Fairley, the rules were suspended, House Bill No. 2490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2490.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2490 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Brown, Delvin, Fraser, Holmquist, McCaslin, Prentice and Swecker

HOUSE BILL NO. 2490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2399, by House Committee on Ecology & Parks (originally sponsored by Representatives Upthegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson and Hudgins)

Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate.

The measure was read the second time.

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 2399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2399.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2399 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Delvin, Holmquist, McCaslin and Swecker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2430, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Driscoll, Hinkle, Blake, Walsh, Green, Roberts, Goodman, Clibborn, Carlyle, Moeller, Kelley and Hurst)

Concerning cardiovascular invasive specialists.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2430.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2430 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

SUBSTITUTE HOUSE BILL NO. 2430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2598, by Representatives Takko, Blake and Herrera

Concerning the disposal of dredged riverbed materials from the Mount St. Helen's eruption.

The measure was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2598 was advanced to third reading, the second

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

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

The President declared the question before the Senate to be the final passage of House Bill No. 2598.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2598 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

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

Absent: Senators Brown and Hargrove

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

HOUSE BILL NO. 2598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2667, by Representatives Chandler, Simpson, Kelley and Warnick

Concerning communications during a forest fire response.

The measure was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed House Bill No. 2667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Morton and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2667.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2667 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

ENGROSSED HOUSE BILL NO. 2667, having received the constitutional majority, was declared passed. There being no



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

ROLL CALL

SECOND READING

HOUSE BILL NO. 2510, by Representatives Kelley, Rodne, Hurst, Bailey, Kirby, Simpson and Morrell

Authorizing public hospital districts to execute security instruments.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 2510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2510.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2510 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

HOUSE BILL NO. 2510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2521, by Representatives Driscoll, Williams, Cody, Morrell, Ormsby and Moeller

Addressing conversion rights upon termination of eligibility for health plan coverage.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2521.

The Secretary called the roll on the final passage of House Bill No. 2521 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

HOUSE BILL NO. 2521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2420, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Orcutt, Van De Wege, Conway, Kessler, Blake, Hope, Herrera, Liias, Sullivan, Campbell, Schmick, Quall, Dammeier, Chase, Takko, Morrell and Smith)

Promoting industries that rely on the state's working land base.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be adopted:

Strike everything after the enacting clause and insert the following:

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

(a) Washington's forest products industry plays a critical economic and environmental role in the state. The industry provides a wide range of services and goods both to Washingtonians and people around the world and is vital to the well-being and lifestyle of the people of the state of Washington; and

(b) It is in the best interest of the state to support and enhance the forest products industry.

(2) The legislature further finds that the state's forest practices are sustainably managed according to some of the most stringent riparian growing and harvest rules of any state in the nation or in the world, and that the state of Washington has received fifty-year assurances from the federal government that the state's forest practices satisfy the requirements of the federal endangered species act for aquatic species. As part of their environmental stewardship, forest landowners in Washington have repaired or removed nearly three thousand fish passage barriers, returned nearly twenty-five hundred miles of forest roads to their natural condition, and opened up nearly fifteen hundred miles of riparian salmonid habitat.

(3) The legislature further finds that Washington's forests naturally create habitat for fish and wildlife, clean water, and carbon storage; all environmental benefits that are lost when land is converted out of working forestry into another use. In recognition of forestry's benefits, the international panel on climate change has reported that a sustainable forest management strategy aimed at

maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fiber, wood products, or energy from the forest, will generate the largest sustained carbon mitigation benefit.

(4) The legislature further finds that the forest products industry is a seventeen billion dollar industry, making it Washington's second largest manufacturing industry. The forest products industry alone provides nearly forty-five thousand direct jobs and one hundred sixty-two thousand indirect jobs, many located in rural areas.

(5) The legislature further finds that working forests help generate wealth through recreation and tourism, the retention and creation of green jobs, and through the production of wood products and energy, a finding supported by the United States secretary of agriculture.

**Sec. 2.** RCW 43.330.310 and 2008 c 14 s 9 are each amended to read as follows:

(1) The legislature establishes a comprehensive green economy jobs growth initiative based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004.

(2) The department, in consultation with the employment security department, the state workforce training and education coordinating board, the state board ~~((of for))~~ for community and technical colleges, and the higher education coordinating board, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs.

(3)(a) The employment security department, in consultation with the department, the state workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, Washington State University small business development center, and the Washington State University extension energy program, shall conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries.

(i) The employment security department shall conduct an analysis of occupations in the forest products industry to: (A) Determine key growth factors and employment projections in the industry; and (B) define the education and skill standards required for current and emerging green occupations in the industry.

(ii) The term "forest products industry" must be given a broad interpretation when implementing (a)(i) of this subsection and includes, but is not limited to, businesses that grow, manage, harvest, transport, and process forest, wood, and paper products.

(b) The University of Washington business and economic development center shall: Analyze the current opportunities for and participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate on their research, analysis, and recommendations by December 1, 2008.

(4) Based on the findings from subsection (3) of this section, the employment security department, in consultation with the department and taking into account the requirements and goals of chapter 14, Laws of 2008 and other state clean energy and energy

efficiency policies, shall propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy. The employment security department and the department shall take into account which jobs within green economy industries will be considered high-wage occupations and occupations that are part of career pathways to the same, based on family-sustaining wage and benefits ranges. These designations, and the results of the employment security department's broader labor market research, shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

(5) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

(6) The department, consistent with the priorities established by the state economic development commission, shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries and small businesses; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

(7) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers in high-demand green industries who are in, or are preparing for, high-wage occupations; (b) dislocated workers in declining industries who may be retrained for high-wage occupations in high-demand green industries; (c) dislocated agriculture, timber, or energy sector workers who may be retrained for high-wage occupations in high-demand green industries; (d) eligible veterans or national guard members; (e) disadvantaged populations; or (f) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(8) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from: Green industry sectors ((related to clean energy)), including but not limited to forest product companies, companies engaged in energy efficiency and renewable energy production, companies engaged in pollution prevention, reduction, and mitigation, and companies engaged in green building work and green transportation; labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries((:)); state and local veterans agencies((:)); employer associations((:)); educational institutions((:)); and local workforce development councils within the region that the panels propose to operate((:)); and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

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(b) Plan strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Leverage and align other public and private funding sources.

(9) The green industries jobs training account is created in the state treasury. Moneys from the account must be utilized to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this subsection. The state board for community and technical colleges, in consultation with the state workforce training and education coordinating board, informed by the research of the employment security department and the strategies developed in this section, may authorize expenditures from the account. The state board for community and technical colleges must distribute grants from the account on a competitive basis.

(a)(i) Allowable uses of these grant funds, which should be used when other public or private funds are insufficient or unavailable, may include:

(A) Curriculum development;

(B) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;

(C) Workforce education to target populations; and

(D) Adult basic and remedial education as necessary linked to occupation skills training.

(ii) Allowable uses of these grant funds do not include student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(b) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(i) Implementing effective education and training programs that meet industry demand; and

(ii) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(c) In awarding grants from the green industries jobs training account, the state board for community and technical colleges shall give priority to applicants that demonstrate the ability to:

(i) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise utilize strategies developed by green industry ((skills [skill]) skill panels;

(ii) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(iii) Work collaboratively with other relevant stakeholders in the regional economy;

(iv) Link adult basic and remedial education, where necessary, with occupation skills training;

(v) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(vi) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

**Sec. 3.** RCW 43.330.375 and 2009 c 536 s 4 are each amended to read as follows:

(1) The department and the workforce board(~~(-in consultation with the leadership team))~~ must:

(a) Coordinate efforts across the state to ensure that federal training and education funds are captured and deployed in a focused

and effective manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

(i) Associate development organizations;

(ii) Workforce development councils;

(iii) Public utility districts; and

(iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

(i) Administrative and technical assistance;

(ii) Assistance with and expediting of permit processes; and

(iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;

(d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;

(e) Emphasize through both support and outreach efforts, projects that:

(i) Have a strong and lasting economic or environmental impact;

(ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;

(iii) Create training programs leading to a credential, certificate, or degree in a green economy field;

(iv) Strengthen the state's competitiveness in a particular sector or cluster of the green economy;

(v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;

(vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

(vii) Ensure that at least fifteen percent of labor hours are performed by apprentices;

(f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;

(g) Identify barriers to the growth of green jobs in traditional industries such as the forest products industry;

(h) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:

(i) The number of new green jobs created each year, their wage levels, and, to the extent determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;

(ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the timeliness of deployment of new funding by state agencies to the local level;

(iii) The timeliness of state deployment of funds and support to local organizations; and

(iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;

~~((h))~~ (i) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;

~~((+))~~ ~~(j)~~ Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities;

~~((+))~~ ~~(k)~~ Develop targeting criteria for existing investments that are consistent with the economic development commission's economic development strategy and the goals of this section and RCW 28C.18.170, 28B.50.281, and 49.04.200; and

~~((+))~~ ~~(l)~~ Make and support outreach efforts so that residents of Washington, particularly members of target populations, become aware of educational and employment opportunities identified and funded through the evergreen jobs act.

(2) The department and the workforce board ~~(, in consultation with the leadership team,)~~ must provide semiannual performance reports to the governor and appropriate committees of the legislature on:

(a) Actual statewide performance based on the performance measures identified in subsection (1)~~((+))~~ ~~(h)~~ of this section;

(b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

(c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (1)(b) and (c) of this section;

(d) Recommendations for new or expanded financial incentives and comprehensive strategies to:

(i) Recruit, retain, and expand green economy industries and small businesses; and

(ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;

(e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and RCW 28C.18.170, 28B.50.281, and 49.04.200; and

(f) Any recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.

(3) The definitions, designations, and results of the employment security department's broader labor market research under RCW 43.330.010 shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Innovation to Substitute House Bill No. 2420.

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

#### MOTION

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

On page 1, line 2 of the title, after "base," strike the remainder of the title and insert "amending RCW 43.330.310 and 43.330.375; and creating a new section."

#### MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2420 as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2420 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2420 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

SUBSTITUTE HOUSE BILL NO. 2420 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2661, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Hudgins, Hunt, Kenney and Morrell)

Regarding the Washington State University extension energy program's plant operations support program.

The measure was read the second time.

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2661.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2661 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford,

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Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

SUBSTITUTE HOUSE BILL NO. 2661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 3066, by House Committee on Finance (originally sponsored by Representatives Parker, Springer, Eddy, Condotta and Wallace)

Creating uniformity among annual tax reporting survey provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 3066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3066.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3066 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

SUBSTITUTE HOUSE BILL NO. 3066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2515, by Representatives Morris, Chase, Kenney and Hudgins

Regarding biodiesel fuel labeling requirements.

The measure was read the second time.

#### MOTION

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On motion of Senator Rockefeller, the rules were suspended, House Bill No. 2515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2515.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2515 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

HOUSE BILL NO. 2515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1080, by Representatives Simpson and Williams

Allowing impact fees to be used for all fire protection facilities.

The measure was read the second time.

#### MOTION

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

On page 2, line 24, after "~~district~~," insert the following:

"A county, city, or town, shall not adopt or collect an impact fee from within a fire district for the purpose of financing fire protection facilities under subsection (7)(d) if the number of building permits over the previous twelve months have dropped more than fifty percent from the highest volume year within the last five years.

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

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." insert the following:

" All equipment purchased with impact fee revenue collected from within a fire district for purposes of financing fire protection facilities under subsection (7)(d) may only be expended on fire protection facilities within the boundaries of the fire district from which the impact fee revenue was collected."

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

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." insert the following:

" If equipment is purchased with impact fee revenue collected from within a fire district for the purpose of financing fire protection facilities under subsection (7)(d) and that equipment is used for any purpose outside of the fire district, the fire district shall provide fire protection services to anyone needing such services in the area which the equipment is being used."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." insert the following:

" Impact fees collected under 82.02.050 through 82.02.090 from within a fire district for the purpose of financing fire protection facilities under subsection (7)(d) shall not be used for any purpose outside the fire district from which the impact fees were collected."

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

Senator McDermott spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." insert the following:

" Nothing in this subsection (7)(d) authorizes or otherwise permits impact fees to be imposed or spent for fire protection facilities in developed areas where fire protection services are provided by, and within the capacity of, existing fire protection facilities."

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

Senator McDermott spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." insert the following:

" A county, city, or town, shall not adopt or collect impact fees within a fire district for the purpose of financing fire protection facilities under subsection (7)(d) if the county's unemployment rate greater than six percent.

Senators Stevens, Honeyford and Carrell spoke in favor of adoption of the amendment.

Senators McDermott and Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." Insert the following:

"The authority to impose impact fees for fire protection services in jurisdictions that are not part of a fire district expires on December 31, 2019."

On page 1, line 2 of the title, after "facilities", strike "and"

On page 2, line 2 of the title, after "RCW 82.02.090", insert the following:

"; and providing an expiration date"

Senator Parlette spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 24 to House Bill No. 1080.

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

#### MOTION

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

On page 2, line 24, after "~~district~~)." insert "The authority to impose impact fees for fire protection services in jurisdictions

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that are not part of a fire district applies only to: (i) Counties with more than one million five hundred thousand residents and the cities and towns within these counties; and (ii) counties adjoining counties meeting the requirements of (i) of this subsection that have more than six hundred fifty thousand but fewer than eight hundred thousand residents, and the cities and towns within these counties."

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

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, line 24 to House Bill No. 1080.

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

MOTION

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

On page 2, line 24, after "district)." insert "A person required to pay for fire protection services as part of their property taxes shall not be required to pay an impact fee under RCW 82.02.050 through 82.02.090 for those same system improvements."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 24 to House Bill No. 1080.

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

MOTION

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

On page 2, line 24, after "district)).", insert the following:  
 "Impact fees collected under 82.02.050 through 82.02.090 from within a fire district for the purpose of financing fire protection facilities under subsection (7)(d) shall not be imposed on properties that are within an existing fire district and are sold to first time home buyers. If the county, city, or town collects impact fees prior to the sale to a new home buyer, the first time home buyer shall receive a refund of the exempted impact fee paid.

Senators Morton and Stevens spoke in favor of adoption of the amendment.

Senator Fairley spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 24 to House Bill No. 1080.

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

MOTION

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

On page 2, after line 33, insert the following:

"NEW SECTION, Sec. 2. This act takes effect July 1, 2015."

On page 1, line 2 of the title, after "facilities; ", strike "and".

On page 1, line 2 of the title, after "RCW 82.02.090", insert the following:

"; and providing an effective date"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 33 to House Bill No. 1080.

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

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Pridemore and McDermott spoke in favor of passage of the bill.

Senators Honeyford, Becker, Sheldon, Stevens, Pflug, Carrell and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1080.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1080 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

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

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

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

HOUSE BILL NO. 1080, 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 1:56 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:40 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6381, by Senators Haugen and Marr

Making 2009-11 supplemental transportation appropriations.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6381 was substituted for Senate Bill No. 6381 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 13, line 8, after "~~legislature.))~~" strike all material through "funding." on line 12 and insert the following:

"The commission may impose a ferry fuel surcharge effective July 1, 2011. When implementing a ferry fuel surcharge, the commission must regard ferry fuel surcharges as fare policy changes and thus, ferry fuel surcharges should be included in all public procedures and processes currently used for fare pricing per RCW 47.60.290."

Senator Kilmer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller and others on page 13, line 8 to Substitute Senate Bill No. 6381.

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

MOTION

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

On page 35, line 15, after "tracking." strike "The study must consider the interconnectivity benefits of, and potential for, a future Amtrak Cascades route in the vicinities of south King county and north Pierce county." and insert "The study must also consider the interconnectivity benefits of, and potential for, future Amtrak Cascades stops in south King county and north Pierce county. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route. The department shall amend the scope, schedule, and budget of the current study process to accommodate the market analysis."

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kauffman and others on page 35, line 15 to Substitute Senate Bill No. 6381.

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

MOTION

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

On page 58, line 11, after "(401212R)" strike "to construct a temporary signal, purchase right-of-way, and design a future roundabout" and insert "for safety improvements"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Haugen on page 58, line 11 to Substitute Senate Bill No. 6381.

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

MOTION

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

On page 64, line 6, after "support." insert "\$5,851,000 of the total appropriation is provided solely for the Washington state ferries to develop a reservation system."

On page 67, beginning on line 4, strike all material through "system." on line 6 and insert "(((10) \$3,763,000 of the total appropriation is provided solely for the Washington state ferries to develop a reservation system.)))"

On page 68, line 27, after "March" strike "1" and insert "15"

On page 69, line 20, strike "\$100,002,000" and insert "\$103,002,000"

On page 69, line 27, strike "\$732,969,000" and insert "\$735,969,000"

On page 74, line 4, after "(((\$20,000,000—))" strike "\$33,000,000" and insert "\$36,000,000"

On page 81, at the beginning of line 17, strike "Multimodal Transportation" and insert "Motor Vehicle"

On page 86, line 35, after "to the" strike "multimodal transportation" and insert "motor vehicle"

On page 81, line 19, after "limitations:" insert "(1)"

On page 81, after line 25, insert "(2) Any cash balance in the waste tire removal account shall be transferred to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways."

On page 86, after line 37, insert the following:

"Sec. 705. RCW 70.95.532 and 2009 c 261 s 4 are each amended to read as follows:

(1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

(2) On September 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.

(3) During the 2009-11 fiscal biennium, the legislature may transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways."

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

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

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 64, line 6 to Engrossed Substitute Senate Bill No. 6381.

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



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## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## PARLIAMENTARY INQUIRY

Senator Brandland: "I excused some of my members earlier today. does that excuse, are they still excused?"

## REPLY BY THE PRESIDENT

President Owen: "They're still excused unless they voted. If they've come and voted then they would have to be re-excused. You might want to state it just so we make sure that we have the right members excused."

## MOTION

On motion of Senator Brandland, Senators Delvin, Holmquist, McCaslin, Roach, Swecker and Zarelli were excused.

Senators Marr spoke in favor of passage of the bill.  
Senators Carrell spoke against passage of the bill.

## POINT OF INQUIRY

Senator Franklin: "Would Senator Haugen yield to a question? Thank you Senator Haugen. Well the colleague from the twenty-eighth district, Senator Carrell made a very good explanation because this is a huge issue in the city of Lakewood and not only the city of Lakewood but the residents itself. It will cause a problem. So my question to you is, how then can we work to make sure because people's lives are going to be affected and I mentioned that to you earlier? So, how are going to mitigate and work with this Senator?"

Senator Haugen: "Well, I appreciate the question. Me, I don't have the material right in front of me. I really can't directly answer your question. I can tell you that all across this state grade separation is a huge issue and we need to work together. If we don't have the potential to do that within the federal dollars we're getting, hopefully in the future, we'll be able to take a look at that. You know, this is a Sound Transit project that you're talking about. We do not have control of Sound Transit's budget but we do make investments on track that we share. And so, without in front of me I really can't answer your question but I will have the staff get back to you."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6381.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6381 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen,

Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Carrell, Morton and Pflug

Absent: Senator Ranker

Excused: Senators Delvin, Holmquist, McCaslin and Swecker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6381, 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. 6444, by Senators Prentice and Tom

Making 2010 operating supplemental appropriations.  
Revised for 1st Substitute: Making 2010 supplemental operating appropriations.

## MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6444 was substituted for Senate Bill No. 6444 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Murray moved that the following amendment by Senators Murray and Hewitt be adopted:

On page 29, line 32, after "solely" strike everything through page 31, line 38 and insert "to implement the provisions of Substitute Senate Bill No. 6675 (Global health program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse."

Senator Murray 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 Murray and Hewitt on page 29, line 32 to Substitute Senate Bill No. 6444.

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

## MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Tom be adopted:

On page 88, after line 21, insert the following:

"(21) By December 1, 2010, the department shall analyze the costs to the state of in-home caregivers. This shall include the cost differential to the state in-home care program from utilizing caregivers employed by a homecare agency compared with those working as individual providers and, as a separately analyzed group, the costs of family member providers. The analysis shall consider the differential in hourly Medicaid reimbursement rates between the agency providers and the individual providers including but not limited to administrative costs to the department, utilization of authorized hours, and utilization of health care benefits by home care providers. The department shall report on the impact of the department's labor agreements, since the inception of collective bargaining for homecare workers, on the state's cost for homecare worker wages, benefits and health insurance benefits. The department shall include in this analysis the effect of indirect costs

to the state of individual versus agency caregivers, including the costs associated with tort liability, costs associated with providing interpreters, the incidence of Medicaid and other forms of payment fraud, and the eligibility of the caregiver for full or partial government paid benefits."

Senators Zarelli and Parlette spoke in favor of adoption of the amendment.

Senators Keiser and Prentice spoke against adoption of the amendment.

#### MOTION

On motion of Senator Marr, Senator Hatfield was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Tom on page 88, line 21 to Substitute Senate Bill No. 6444.

The motion by Senator Zarelli failed and the amendment was not adopted by a rising vote.

#### MOTION

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

On page 159, line 9, decrease general-fund state appropriation by \$250,000 and adjust totals accordingly.

On page 160, beginning on line 14, strike all material through line 15 on page 161.

On page 195, line 6, increase general fund--state appropriation by \$250,000 and adjust totals accordingly.

On page 199, line 23, strike "\$1,667,000" and replace with "~~(\$1,667,000)~~\$1,917,000."

Senator Schoesler spoke in favor of adoption of the amendment. Senator Fraser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 159, line 9 to Substitute Senate Bill No. 6444.

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

#### MOTION

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

On page 208, after line 7, insert new subsection:

"(5) Up to \$78,474,000 in school district per-pupil expenditures for the student achievement program may be provided by school district funds, including but not limited to transfer of a portion of a school district's state allocations for health insurance, to the extent arrangements are made between school districts and the Washington education association or other entities with Washington state school district employee rate stabilization reserve trusts. To the extent school districts' expenditures for employee health and other benefits, agreed to prior to the effective date of this section, are paid by balances in rate stabilization reserve trusts, school districts will maintain their program expenditures on student achievement programs. Teachers must receive communication, in writing or electronically, informing them that the option exists."

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

Senator Oemig spoke against adoption of the amendment.

Senator Brandland again spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator McAuliffe: "I would request that the members speak to the amendment and not to the intentions of anyone else on the floor."

#### REPLY BY THE PRESIDENT

President Owen: "That is the rule Senator Brandland."

Senators Schoesler, Carrell, Honeyford spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 208, after line 7 to Substitute Senate Bill No. 6381.

The motion by Senator Brandland failed and the amendment was not adopted by a rising vote.

#### MOITON

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Berkey, Rockefeller, King, Brown and Murray spoke in favor of passage of the bill.

Senators Zarelli, Benton, Carrell, Roach, Pflug, Parlette and Stevens 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. 6444.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6444 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 19; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Fraser, Gordon, Hargrove, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Franklin, Hewitt, Hobbs, Honeyford, Kilmer, King, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Tom and Zarelli

Excused: Senators Delvin, Hatfield, Holmquist, McCaslin and Swecker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6444 was immediately transmitted to the House of Representatives.

At 5:00 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, March 1, 2010.

BRAD OWEN, President of the Senate

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