

THIRTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 14, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Liias.

The Sergeant at Arms Color Guard consisting of Pages Warren Backholm and Emily Borske, presented the Colors. Pastor Gregory Kaurin of Redeemer Lutheran Church, Fircrest offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1017 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Morris, Fitzgibbon, Fey, Liias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove and Pollet)

AN ACT Relating to creating new efficiency standards; amending RCW 19.260.030, 19.260.040, and 19.260.050; and reenacting and amending RCW 19.260.020.

Referred to Committee on Energy, Environment & Telecommunications.

E2SHB 1129 by House Committee on Transportation (originally sponsored by Representative Morris)

AN ACT Relating to ferry vessel replacement; amending RCW 47.60.322, 46.17.040, 46.17.050, and 46.17.060; and creating a new section.

Referred to Committee on Transportation.

HB 1179 by Representatives Morrell, Sawyer, Zeiger, Takko and Ryu

AN ACT Relating to the lien for collection of sewer utility charges by counties; and amending RCW 36.94.150.

Referred to Committee on Governmental Operations.

HB 1185 by Representatives Takko, Alexander, Springer, Tharinger, Clibborn, Kochmar and Ryu

AN ACT Relating to equitable allocation of auditor costs; and amending RCW 36.18.010.

Referred to Committee on Governmental Operations.

HB 1360 by Representatives Wylie and Harris

AN ACT Relating to extending the deadline to designate one or more industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Governmental Operations.

E2SHB 1563 by House Committee on Capital Budget (originally sponsored by Representatives Farrell, Wylie, McCoy, Orwall, Seaquist, Bergquist, Springer, Pedersen, O'Ban, Kochmar, Moeller, Fitzgibbon, Appleton, Ryu, Stanford, Maxwell, Jinkins, S. Hunt, Fey, Pollet, Goodman, Habib and Santos)

AN ACT Relating to the disposition of surplus property for the development of affordable housing; amending RCW 47.12.063, 79.11.005, 79A.05.170, 79A.05.175, 81.112.080, 36.34.135, and 39.102.020; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; adding a new chapter to Title 39 RCW; and repealing RCW 43.19.19201, 43.20A.037, 43.63A.510, 47.12.064, and 72.09.055.

Referred to Committee on Transportation.

ESHB 1674 by House Committee on Technology & Economic Development (originally sponsored by Representatives Santos, Morris and Maxwell)

AN ACT Relating to increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, and 39.19.250; adding a new section to chapter 39.19 RCW; repealing RCW 39.19.100 and 39.19.110; and prescribing penalties.

Referred to Committee on Ways & Means.

HB 1684 by Representatives Reykdal, Manweller, Sells and Ryu

AN ACT Relating to defining suitable work to include a minimum age requirement; amending RCW 50.20.100; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1783 by Representatives Seaquist, Hansen, Buys, Springer, Angel and Ryu

AN ACT Relating to health district banking; and adding a new section to chapter 70.46 RCW.

Referred to Committee on Governmental Operations.

HB 1785 by Representatives S. Hunt, Kristiansen and Ryu

AN ACT Relating to authorizing de minimis use of state resources to provide information about programs that may be authorized payroll deductions; and amending RCW 42.52.160.

Referred to Committee on Governmental Operations.

SHB 1791 by House Committee on Public Safety (originally sponsored by Representatives Parker, Orwall, Fagan, Riccelli, Ryu, Haler, Moscoso and Santos)

AN ACT Relating to trafficking; and amending RCW 9A.40.100, 9A.44.128, 9.68A.120, and 9A.88.150.

Referred to Committee on Law & Justice.

ESHB 1840 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Hope, Hunter, Pedersen, Bergquist, Habib, Fey, Ryu, Jinkins, Pollet and Tharinger)

AN ACT Relating to firearms laws concerning persons subject to no-contact orders, protection orders, and restraining orders; amending RCW 9.41.040 and 9.41.800; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1896 by Representatives Lytton, Chandler, Blake, MacEwen and Wilcox

AN ACT Relating to enhancing compliance with the responsibilities of fishing guides; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

E2SHB 2002 by House Committee on Appropriations (originally sponsored by Representatives Condotta and Reykdal)

AN ACT Relating to snowmobile license fees; amending RCW 46.17.350 and 46.17.350; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2018 by House Committee on Appropriations (originally sponsored by Representative Hunter)

AN ACT Relating to additional contribution rates for contributions made after the date the service is rendered for individual employers of the Washington state retirement systems; amending RCW 41.45.010, 41.45.050, and 41.45.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2057 by House Committee on Public Safety (originally sponsored by Representatives Hayes, Hurst, Klippert, Holy, Van De Wege and Hope)

AN ACT Relating to arrest without warrant; and amending RCW 10.31.100.

Referred to Committee on Law & Justice.

SHB 2098 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Bergquist, Buys, S. Hunt, Manweller, Hudgins, Morrell and Haigh)

AN ACT Relating to conforming amendments made necessary by reorganizing and streamlining central service functions, powers, and duties of state government; amending RCW 2.36.054, 2.36.057, 2.36.0571, 2.68.060, 4.92.110, 4.96.020, 8.26.085, 15.24.086, 15.64.060, 15.65.285, 15.66.280, 15.88.070, 15.89.070, 15.100.080, 15.115.180, 17.15.020, 19.27.097, 19.27.150, 19.27A.020, 19.27A.190, 19.34.100, 19.285.060, 27.34.075, 27.34.410, 27.48.040, 28A.150.530, 28A.335.300, 28B.10.417, 35.21.779, 35.68.076, 35A.65.010, 36.28A.070, 39.04.155, 39.04.220, 39.04.290, 39.04.320, 39.04.330, 39.04.370, 39.04.380, 39.24.050, 39.30.050, 39.32.020, 39.32.040, 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050, 39.35C.090, 39.59.010, 41.04.017, 41.04.220, 41.04.375, 43.01.090, 43.01.091, 43.01.240, 43.01.250, 43.01.900, 43.15.020, 43.17.050, 43.17.100, 43.17.400, 43.19.647, 43.19.651, 43.19.670, 43.19.682, 43.19.691, 43.19.757, 43.19A.022, 43.19A.040, 43.21F.045, 43.34.090, 43.82.035, 43.82.055, 43.82.130, 43.83.116, 43.83.120, 43.83.136, 43.83.142, 43.83.156, 43.83.176, 43.83.188, 43.83.202, 43.88.090, 43.88.092, 43.88.350, 43.88.560, 43.96B.215, 43.101.080, 43.105.020, 43.105.052, 43.105.340, 43.105.905, 43.325.020, 43.325.030, 43.330.907, 43.331.040, 43.331.050, 44.68.065, 44.73.010, 46.08.065, 46.08.150, 46.08.172, 47.60.830, 49.74.040, 70.58.005, 70.94.537, 70.94.551, 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060, 70.235.050, 71A.20.190, 72.01.430, 72.09.450, 77.12.177, 77.12.451, 79.19.080, 79.24.300, 79.24.530, 79.24.540, 79.24.560, 79.24.570, 79.24.664, 79.24.710, 79.24.720, 79.24.730, and 79A.15.010; reenacting RCW 42.17A.110; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.105 RCW; recodifying RCW 43.105.340 and 43.41A.900; decodifying RCW 37.14.010, 43.19.533, 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.901, and 70.120.210; repealing RCW 43.105.041, 43.105.178, 43.105.330, 43.105.070, and 43.105.825; and providing an expiration date.

Referred to Committee on Governmental Operations.

SHB 2102 by House Committee on Judiciary (originally sponsored by Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Seaquist, Green, Morrell, Jinkins, Liias, Van De Wege, Ryu and Bergquist)

AN ACT Relating to civil suits by prisoners against victims; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law & Justice.

SHB 2105 by House Committee on Government Operations & Elections (originally sponsored by Representatives Hawkins, Bergquist, Buys, S. Hunt, Holy, Orwall, Ross, Reykdal, Hayes, Pollet, Kochmar, Hudgins, Magendanz, Moscoso, Vick, Riccelli, Klippert, Stonier, Nealey, Tarleton, Scott, Pike, Fagan, Fey, Seaquist, Chandler, Farrell, Haigh, Fitzgibbon, Sawyer, Moeller, Gregerson, Johnson, Haler, Appleton, Carlyle, Morrell, Goodman, Van De Wege and Freeman)

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AN ACT Relating to promoting transparency in government by requiring public agencies with governing bodies to post agendas online in advance of meetings; adding a new section to chapter 42.30 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Governmental Operations.

HB 2119 by Representatives Schmick, Fagan, Haler and Moscoso

SHB 2195 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Kochmar, Hurst, Green and Jinkins)

AN ACT Relating to designating Palouse falls as the state waterfall; adding a new section to chapter 1.20 RCW; and creating a new section.

AN ACT Relating to involuntary medication for maintaining the level of restoration in jail; amending RCW 10.77.092 and 10.77.065; and creating a new section.

Referred to Committee on Governmental Operations.

Referred to Committee on Human Services & Corrections.

SHB 2121 by House Committee on Government Operations & Elections (originally sponsored by Representatives Pollet, S. Hunt, Rodne, Bergquist, Holy, Moeller, Hayes, Carlyle, Fitzgibbon, Liias, Takko, Springer, Appleton, Morrell, Reykdal, Jinkins, Moscoso, Ryu, Fagan, Farrell, Riccelli and Freeman)

SHB 2215 by House Committee on Government Operations & Elections (originally sponsored by Representatives Robinson, Manweller, S. Hunt and Haler)

AN ACT Relating to training public officials and employees regarding public records, records management, and open public meetings; adding a new section to chapter 42.30 RCW; adding new sections to chapter 42.56 RCW; adding new sections to chapter 40.14 RCW; creating new sections; and providing an effective date.

AN ACT Relating to reconciling election laws; amending RCW 2.04.100, 2.06.080, 2.08.069, 2.08.120, 3.34.050, 3.34.100, 17.28.090, 27.12.370, 27.12.100, 28A.315.275, 28A.323.050, 28A.343.010, 28A.343.060, 28A.343.350, 35.02.078, 35.02.086, 35.02.100, 35.06.080, 35.07.050, 35.10.410, 35.10.420, 35.13.090, 35.16.030, 35.16.050, 35.17.310, 35.18.020, 35.23.805, 35A.12.040, 35A.14.080, 36.12.050, 36.16.020, 36.16.030, 36.32.030, 36.32.058, 39.36.050, 52.04.011, 52.06.030, 52.14.060, 53.04.020, 53.04.023, 53.04.080, 53.12.172, 53.12.221, 54.08.060, 57.12.030, 57.12.039, 57.24.240, 68.52.250, 70.44.047, 82.14.036, 82.46.021, 82.80.090, 85.38.060, 85.38.070, 87.03.083, 52.26.080, 29A.04.321, 29A.04.330, 29A.08.161, 29A.08.210, 29A.08.230, 29A.24.111, 29A.60.221, 35.21.005, 35.22.120, 35A.01.040, 53.12.175, 29A.08.107, 53.12.010, 53.12.021, 53.12.115, 53.12.130, 53.16.015, 29A.08.810, 29A.68.020, 2.06.010, 29A.60.280, 35.17.260, 35.17.380, 35.17.400, 35.18.240, 35.22.055, and 36.32.070; reenacting and amending RCW 28A.343.030, 28A.343.320, 28A.343.660, and 29A.40.110; repealing RCW 28A.343.330 and 52.14.030; and repealing 2013 c 11 s 45.

Referred to Committee on Governmental Operations.

ESHB 2151 by House Committee on Environment (originally sponsored by Representatives Blake and Seaquist)

AN ACT Relating to recreational trails; amending RCW 79.10.120 and 79.10.130; adding new sections to chapter 79.10 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Governmental Operations.

Referred to Committee on Natural Resources & Parks.

SHB 2157 by House Committee on Local Government (originally sponsored by Representative Takko)

SHB 2261 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Short, Fagan and Magendanz)

AN ACT Relating to per diem compensation for flood control zone district supervisors; and amending RCW 86.15.055.

AN ACT Relating to the use of science to support significant agency actions; and amending RCW 34.05.271.

Referred to Committee on Governmental Operations.

Referred to Committee on Natural Resources & Parks.

HB 2170 by Representatives Takko and Kochmar

AN ACT Relating to providing an additional method for water-sewer districts to disburse funds; and adding a new section to chapter 57.20 RCW.

SHB 2262 by House Committee on Environment (originally sponsored by Representatives Short, Fagan and Magendanz)

Referred to Committee on Governmental Operations.

AN ACT Relating to the use of science to support significant agency actions; and amending RCW 34.05.272.

SHB 2183 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Ormsby, Fey and Hudgins)

Referred to Committee on Energy, Environment & Telecommunications.

AN ACT Relating to maintaining a robust, clean, and job rich energy policy in the state of Washington that builds upon the goals created by the energy independence act; creating new sections; and providing an expiration date.

EHB 2278 by Representatives Takko, Chandler and Ryu

AN ACT Relating to interlocal agreements for ambulance services between fire protection districts and contiguous cities; and amending RCW 52.12.135.

Referred to Committee on Commerce & Labor.

HB 2296 by Representatives Pike, Harris, Blake, Vick, Taylor, Overstreet, Farrell, S. Hunt and Pollet

AN ACT Relating to duplicate signatures on petitions in cities, towns, and code cities; amending RCW 35.21.005 and 35A.01.040; and creating a new section.

Referred to Committee on Governmental Operations.

HB 2301 by Representatives Robinson, Fitzgibbon, Ryu and Dunshee

AN ACT Relating to county financial actions for a concluded fiscal year; and amending RCW 36.40.200.

Referred to Committee on Governmental Operations.

ESHB 2374 by House Committee on Government Operations & Elections (originally sponsored by Representative S. Hunt)

AN ACT Relating to making nonsubstantive changes to procurement law; amending RCW 28B.10.029, 35.57.080, 36.100.190, 39.04.190, 39.26.070, 39.26.235, 39.26.251, 39.26.255, 39.26.271, 39.35C.050, 39.35C.090, and 43.19.1919; reenacting and amending RCW 39.26.010; and repealing RCW 43.19.520, 43.19.525, and 43.19.533.

Referred to Committee on Governmental Operations.

HB 2381 by Representatives Hurst and Dahlquist

AN ACT Relating to creating an inactive certification, license, or registration status for real estate appraisers; amending RCW 18.140.160; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Commerce & Labor.

ESHB 2406 by House Committee on Technology & Economic Development (originally sponsored by Representatives Tarleton, Short, Ryu and Smith)

AN ACT Relating to administrative processes for managing deposits and cost reimbursements of the energy facility site evaluation council; amending RCW 80.50.071; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 2433 by House Committee on Local Government (originally sponsored by Representatives Habib and Ryu)

AN ACT Relating to notification by a city or town to light and power businesses and gas distribution businesses of annexed areas and affected properties; and amending RCW 35.13.270 and 35A.14.801.

Referred to Committee on Governmental Operations.

SHB 2448 by House Committee on Business & Financial Services (originally sponsored by Representatives Fey, Orcutt and Ryu)

AN ACT Relating to transferring the insurance and financial responsibility program; and amending RCW 46.29.550, 46.29.560, 46.29.580, and 46.29.600.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2473 by Representatives Liias, Rodne, Sells, Reykdal, Pollet and Freeman

AN ACT Relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

SHB 2518 by House Committee on Public Safety (originally sponsored by Representatives Habib, Walsh, Goodman, Haigh and Roberts)

AN ACT Relating to the pilot identicard program; adding a new section to chapter 46.20 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SHB 2541 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Haigh and MacEwen)

AN ACT Relating to miniature hobby boilers; and amending RCW 70.79.070 and 70.79.080.

Referred to Committee on Commerce & Labor.

HB 2547 by Representatives Ormsby, Manweller, Riccelli, Warnick and Parker

AN ACT Relating to the creation of a less than countywide port district within a county containing no port districts; amending RCW 53.04.023; creating a new section; and providing an expiration date.

Referred to Committee on Governmental Operations.

SHB 2576 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Reykdal, Kirby and Pollet)

AN ACT Relating to establishing a mandatory occupational disease exposure reporting requirement for firefighters; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2590 by Representatives Kirby and Ryu

AN ACT Relating to sellers of travel; and amending RCW 19.138.021, 19.138.040, 19.138.100, 19.138.120, and 19.138.140.

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Referred to Committee on Commerce & Labor.

SHB 2593 by House Committee on Local Government (originally sponsored by Representatives Stonier, Harris, Wylie, Ryu, Fey and Pike)

AN ACT Relating to local government treasury practices and procedures; and amending RCW 36.29.190 and 39.72.010.

Referred to Committee on Governmental Operations.

SHB 2644 by House Committee on Public Safety (originally sponsored by Representatives Ryu, Nealey, Moscoso, Sells, Appleton, Kagi, Haler, Gregerson, Orwall, Wylie, Roberts, Reykdal, Senn, Robinson, Farrell, Tarleton, Tharinger, Freeman, Walkinshaw, Jinkins, Morrell, Clibborn, Haigh, Pettigrew, Rodne, Moeller, Pollet, Bergquist, S. Hunt, Sawyer, Green, Stanford, Ormsby and Santos)

AN ACT Relating to coercion of involuntary servitude; reenacting and amending RCW 9A.40.010; adding a new section to chapter 9A.40 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 2680 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Springer, Haler, Goodman and Freeman)

AN ACT Relating to liquor catering; amending RCW 66.44.350; reenacting and amending RCW 66.20.300 and 66.20.310; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 2682 by Representatives Green, Muri, Scott, Kirby, Warnick, Wilcox, Haler, Zeiger and Hayes

AN ACT Relating to modifying provisions governing the competitive bidding process of water-sewer districts; and amending RCW 57.08.050.

Referred to Committee on Governmental Operations.

HB 2708 by Representatives Tarleton, Short, DeBolt, Fey, Freeman, Hudgins, Lytton, Smith, Morrell, Ortiz-Self, Springer, Pollet and Muri

AN ACT Relating to a qualified alternative energy resource; and amending RCW 19.29A.090.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2448 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 14, 2014."

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

The motion by Senator Fain carried and debate was limited through February 14, 2014 by voice vote.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Thomas W Lux, Gubernatorial Appointment No. 9288, be confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Liias was excused.

APPOINTMENT OF THOMAS W LUX

The President declared the question before the Senate to be the confirmation of Thomas W Lux, Gubernatorial Appointment No. 9288, as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Thomas W Lux, Gubernatorial Appointment No. 9288, as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

Thomas W Lux, Gubernatorial Appointment No. 9288, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I would like to thank you and your wife Linda for the wonderful Valentine treats. Thank her for staying up all night to make them and I would like to request that you once again suspend the rules so that we may start using these right away."

REPLY BY THE PRESIDENT

President Owen: “As tough as it is for me to do it we do have a tradition that has been established long ago to allow you to eat those cookies on the floor so you may do that. Yeah, I tested them last night, they’re perfect.”

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I also want to rise and thank you and your wife, gorgeous wife Linda. I know that you were moon lighting last night and very busy so you must have been up till the wee hours in the morning putting these cookies together with this personalized Valentines from you and Linda. I just want to thank you very much. Sorry you didn’t get any sleep last night at all but carry on.”

REPLY BY THE PRESIDENT

President Owen: “No, but I was fired up and motivated. Rocking on with what’s her name over here.”

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President. I also want to say for the fourteenth time, thank you for these wonderful cookies. I’m just wondering, now that it’s legal, if they’re laced?”

REPLY BY THE PRESIDENT

President Owen: “Yeah, if you knew my history you’d know that wasn’t even possible.”

PERSONAL PRIVILEGE

Senator Rivers: “Thank you Mr. President. I also wanted to thank you for these lovely cookies and I wanted to say, ‘We need more cow bell.’”

REPLY BY THE PRESIDENT

President Owen: “I was thinking of bringing that in this morning and using that instead of the block, you know.”

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist Newbry moved that Amy L McCoy, Gubernatorial Appointment No. 9295, be confirmed as a member of the Board of Trustees, Central Washington University.

Senator Holmquist Newbry spoke in favor of the motion.

APPOINTMENT OF AMY L MCCOY

The President declared the question before the Senate to be the confirmation of Amy L McCoy, Gubernatorial Appointment No. 9295, as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Amy L McCoy, Gubernatorial Appointment No. 9295, as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

Dammeier, Dandel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hatfield

Excused: Senator Liias

Amy L McCoy, Gubernatorial Appointment No. 9295, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

MOTION

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

MOTION

On motion of Senator Rivers, Senator Becker was excused.

SECOND READING

SENATE BILL NO. 6040, by Senators Honeyford, Hargrove, Pearson, Ranker, Parlette and Sheldon

Concerning invasive species.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6040 was substituted for Senate Bill No. 6040 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment by Senators Honeyford, Hargrove and Liias be adopted:

Strike everything after the enacting clause and insert the following:

**"PART 1
INVASIVE SPECIES—MANAGEMENT**

NEW SECTION. **Sec. 101.** The legislature finds that:

(1) The state's fish, wildlife, and habitat are exceptionally valuable environmental resources for the state's citizens.

(2) The state's fish, wildlife, and habitat also provide exceptionally valuable economic, cultural, and recreational resources. These include hydroelectric power, agriculture, forests, water supplies, commercial and recreational fisheries, aquaculture, and public access to outdoor recreational opportunities.

(3) Invasive species pose a grave threat to these environmental and economic resources, especially to salmon recovery and state and federally listed threatened and endangered species. Because of the significant harm invasive species can cause, invasive species constitute a public nuisance.

(4) If allowed to become established, invasive species can threaten human health and cause environmental and economic disasters affecting not only our state, but other states and nations.

(5) The risk of invasive species spreading into Washington increases as travel and commerce grows in volume and efficiency.

(6) Prevention of invasive species is a cost-effective, successful, and proven management strategy. Prevention is the state's highest

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management priority with an emphasis on education and outreach, inspections, and rapid response.

(7) The integrated management of invasive species through pathways regulated by the department is critical to preventing the introduction and spread of a broad range of such species, including plants, diseases, and parasites.

(8) Washington's citizens must work together to protect the state from invasive species.

(9) Public and private partnerships, cooperative agreements, and compacts are important for preventing new arrivals and managing existing populations of invasive species, and coordinating these actions on local, state, national, and international levels.

(10) The department requires authority for this mission to effectively counter the unpredictable nature of invasive species' introductions and spread, enable the utilization of new advances in invasive ecology science, and implement applicable techniques and technology to address invasive species.

(11) An integrated management approach provides the best way for the state to manage invasive species and includes opportunities for creating an informed public, encouraging public involvement, and striving for local, regional, national, and international cooperation and consistency on management standards. An integrated management approach also applies sound science to minimize the chance that invasive species used for beneficial purposes will result in environmental harm.

(12) This chapter provides authority for the department to effectively address invasive species using an integrated management approach.

(13) The department of fish and wildlife currently has sufficient statutory authority to effectively address invasive species risks posed through discharge of ballast water under chapter 77.120 RCW and by private sector shellfish aquaculture operations regulated under chapter 77.115 RCW. The programs developed by the department under these chapters embody the principles of prevention as the highest priority, integrated management of pathways, public-private partnerships, clean and drain principles, and rapid response capabilities.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic conveyance" means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment to another. Aquatic conveyances include but are not limited to watercraft and associated equipment, float planes, construction equipment, fish tanker trucks, hydroelectric and irrigation equipment, personal fishing and hunting gear, and materials used for aquatic habitat mitigation or restoration.

(2) "Aquatic invasive species" means an invasive species of the animal kingdom with a life cycle that is at least partly dependent upon fresh, brackish, or marine waters. Examples include nutria, waterfowl, amphibians, fish, and shellfish.

(3) "Aquatic plant" means a native or nonnative emergent, submersed, partially submersed, free-floating, or floating-leaved plant species that is dependent upon fresh, brackish, or marine water ecosystems and includes all stages of development and parts.

(4) "Certificate of inspection" means a department-approved document that declares, to the extent technically or measurably possible, that an aquatic conveyance does not carry or contain an invasive species. Certification may be in the form of a decal, label, rubber stamp imprint, tag, permit, locking seal, or written statement.

(5) "Clean and drain" means to remove the following from areas on or within an aquatic conveyance to the extent technically and measurably possible:

(a) Visible native and nonnative aquatic animals, plants, or other organisms; and

(b) Raw water.

(6) "Commercial watercraft" means a management category of aquatic conveyances:

(a) Required to have valid marine documentation as a vessel of the United States or similar required documentation for a country other than the United States; and

(b) Not subject to watercraft registration requirements under chapter 88.02 RCW or ballast water requirements under chapter 77.120 RCW.

(7) "Cryptogenic species" means a species that scientists cannot commonly agree are native or nonnative or are part of the animal kingdom.

(8) "Decontaminate" means, to the extent technically and measurably possible, the application of a treatment to kill, destroy, remove, or otherwise eliminate all known or suspected invasive species carried on or contained within an aquatic conveyance or structural property by use of physical, chemical, or other methods. Decontamination treatments may include drying an aquatic conveyance for a time sufficient to kill aquatic invasive species through desiccation.

(9) "Detect" means the verification of invasive species' presence as defined by the department.

(10) "Eradicate" means, to the extent technically and measurably possible, to kill, destroy, remove, or otherwise eliminate an invasive species from a water body or property using physical, chemical, or other methods.

(11) "Infested site management" means management actions as provided under section 109 of this act that may include long-term actions to contain, control, or eradicate a prohibited species.

(12) "Introduce" means to intentionally or unintentionally release, place, or allow the escape, dissemination, or establishment of an invasive species on or into a water body or property as a result of human activity or a failure to act.

(13) "Invasive species" means nonnative species of the animal kingdom that are not naturally occurring in Washington for purposes of breeding, resting, or foraging, and that pose an invasive risk of harming or threatening the state's environmental, economic, or human resources. Invasive species include all stages of species development and body parts. They may also include genetically modified or cryptogenic species.

(14) "Invasive species council" means the Washington invasive species council established in RCW 79A.25.310 or a similar collaborative state agency forum. The term includes the council and all of its officers, employees, agents, and contractors.

(15) "Mandatory check station" means a location where a person transporting an aquatic conveyance must stop and allow the conveyance to be inspected for aquatic invasive species.

(16) "Possess" means to have authority over the use of an invasive species or use of an aquatic conveyance that may carry or contain an invasive species. For the purposes of this subsection, "authority over" includes the ability to intentionally or unintentionally hold, import, export, transport, purchase, sell, barter, distribute, or propagate an invasive species.

(17) "Prohibited species" means a classification category of nonnative species as provided in section 104 of this act.

(18) "Property" means both real and personal property.

(19) "Quarantine declaration" means a management action as provided under section 107 of this act involving the prohibition or conditioning of the movement of aquatic conveyances and waters from a place or an area that is likely to contain a prohibited species.

(20) "Rapid response" means expedited management actions as provided under section 108 of this act triggered when invasive species are detected, for the time-sensitive purpose of containing or eradicating the species before it spreads or becomes further established.

(21) "Raw water" means water from a water body and held on or within property. "Raw water" does not include water from precipitation that is captured in a conveyance, structure, or depression that is not otherwise intended to function as a water body, or water from a potable water supply system, unless the water contains visible aquatic organisms.

(22) "Regulated species" means a classification category of nonnative species as provided in section 104 of this act.

(23) "Registered watercraft" means a management category of aquatic conveyances required to register as vessels under RCW 88.02.550 or similar requirements for a state other than Washington or a country other than the United States.

(24) "Seaplane" means a management category of aquatic conveyances capable of landing on or taking off from water and required to register as an aircraft under RCW 47.68.250 or similar registration in a state other than Washington or a country other than the United States.

(25) "Small watercraft" means a management category of aquatic conveyances:

(a) Including inflatable and hard-shell watercraft used or capable of being used as a means of transportation on the water, such as kayaks, canoes, sailboats, and rafts that:

(i) Do not meet watercraft registration requirements under chapter 88.02 RCW; and

(ii) Are ten feet or more in length with or without mechanical propulsion or less than ten feet in length and fitted with mechanical propulsion.

(b) Excluding nonmotorized aquatic conveyances of any size not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses and tubes, beach and water toys, surf boards, and paddle boards.

(26) "Water body" means an area that carries or contains a collection of water, regardless of whether the feature carrying or containing the water is natural or nonnatural. Examples include basins, bays, coves, streams, rivers, springs, lakes, wetlands, reservoirs, ponds, tanks, irrigation canals, and ditches.

NEW SECTION. Sec. 103. (1) The department is the lead agency for managing invasive species of the animal kingdom statewide. This lead responsibility excludes pests, domesticated animals, or livestock managed by the department of agriculture under Titles 15, 16, and 17 RCW, forest invasive insect and disease species managed by the department of natural resources under Title 76 RCW, and mosquito and algae control and shellfish sanitation managed by the department of health under Titles 69, 70, and 90 RCW.

(2) Subject to the availability of funding for these specific purposes, the department may:

(a) Develop and implement integrated invasive species management actions and programs authorized by this chapter, including rapid response, early detection and monitoring, prevention, containment, control, eradication, and enforcement;

(b) Establish and maintain an invasive species outreach and education program, in coordination with the Washington invasive species council, that covers public, commercial, and professional pathways and interests;

(c) Align management classifications, standards, and enforcement provisions by rule with regional, national, and international standards and enforcement provisions;

(d) Manage invasive species to support the preservation of native species, salmon recovery, and the overall protection of threatened or endangered species;

(e) Participate in local, state, regional, national, and international efforts regarding invasive species to support the intent of this chapter;

(f) Provide technical assistance or other support to tribes, federal agencies, local governments, and private groups to promote an

informed public and assist the department in meeting the intent of this chapter;

(g) Enter into partnerships, cooperative agreements, and state or interstate compacts as necessary to accomplish the intent of this chapter;

(h) Research and develop invasive species management tools, including standard methods for decontaminating aquatic conveyances and controlling or eradicating invasive species from water bodies and properties;

(i) Post invasive species signs and information at port districts, privately or publicly owned marinas, state parks, and all boat launches owned or leased by state agencies or political subdivisions; and

(j) Adopt rules as needed to implement the provisions of this chapter.

(3) The department may delegate selected and clearly identified elements of its authorities and duties to another agency of the state with appropriate expertise or administrative capacity upon cooperative agreement with that agency. This delegation may include provisions of funding for implementation of the delegations. The department retains primary authority and responsibility for all requirements of this chapter unless otherwise directed in this chapter.

(4) This chapter does not apply to the possession or introduction of nonnative aquatic animal species by:

(a) Ballast water held or discharged by vessels regulated under chapter 77.120 RCW; or

(b) Private sector aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW.

(5) This chapter does not preempt or replace other department species classification systems or other management requirements under this title. However, the department must streamline invasive species requirements under this chapter into existing permits and cooperative agreements as possible.

NEW SECTION. Sec. 104. (1) The department, in consultation with the invasive species council, may classify or reclassify and list by rule nonnative aquatic animal species as prohibited level 1, level 2, or level 3, based on the degree of invasive risk, the type of management action required, and resources available to conduct the management action.

(a) Species classified as prohibited level 1 pose a high invasive risk and are a priority for prevention and expedited rapid response management actions.

(b) Species classified as prohibited level 2 pose a high invasive risk and are a priority for long-term infested site management actions.

(c) Species classified as prohibited level 3 pose a moderate to high invasive risk and may be appropriate for prevention, rapid response, or other prohibited species management plan actions by the department, another agency, a local government, tribes, or the public.

(2) The department, in consultation with the invasive species council, may classify and list by rule regulated type A species. This classification is used for nonnative aquatic animal species that pose a low to moderate invasive risk that can be managed based on intended use or geographic scope of introduction, have a beneficial use, and are a priority for department-led or department-approved management of the species' beneficial use and invasive risks.

(3) Nonnative aquatic animal species not classified as prohibited level 1, level 2, or level 3 under subsection (1) of this section, or as regulated type A species under subsection (2) of this section, are automatically managed statewide as regulated type B species or regulated type C species and do not require listing by rule.

(a) Species managed as regulated type B pose a low or unknown invasive risk and are possessed for personal or commercial

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purposes, such as for aquariums, live food markets, or as nondomesticated pets.

(b) Species managed as regulated type C pose a low or unknown invasive risk and include all other species that do not meet the criteria for management as a regulated type B invasive species.

(4) Classification of prohibited and regulated species:

(a) May be by individual species or larger taxonomic groups up to the family name;

(b) Must align, as practical and appropriate, with regional and national classification levels;

(c) Must be statewide unless otherwise designated by a water body, property, or other geographic region or area; and

(d) May define general possession and introduction conditions acceptable under department authorization, a permit, or as otherwise provided by rule.

(5) Prior to or at the time of classifying species by rule as prohibited or regulated under subsections (1) and (2) of this section, the department, in consultation with the invasive species council, must adopt rules establishing standards for determining invasive risk levels and criteria for determining beneficial use that take into consideration environmental impacts, and especially effects on the preservation of native species, salmon recovery, and threatened or endangered species.

NEW SECTION. Sec. 105. (1) Until the department adopts rules classifying species pursuant to chapter 77--- RCW (the new chapter created in section 122 of this act), species and classifications identified in this section are automatically managed as follows:

(a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena rostriformis bugensis*), European green crab (*Carcinus maenas*), and all members of the genus *Eriocheir* (including Chinese mitten crab), all members of the walking catfish family (*Clariidae*), all members of the snakehead family (*Channidae*), silver carp (*Hypophthalmichthys molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black carp (*Mylopharyngodon piceus*), and bighead carp (*Hypophthalmichthys nobilis*) are prohibited level 1 species statewide;

(b) Prohibited aquatic animal species classified under WAC 220-12-090(1), in effect on July 1, 2014, except those as noted in this subsection are prohibited level 3 species statewide;

(c) Regulated aquatic animal species classified under WAC 220-12-090(2), in effect on July 1, 2014, are regulated type A species statewide; and

(d) Nonnative aquatic animal species classified as game fish under WAC 232-12-019, in effect on July 1, 2014, or food fish under WAC 220-12-010, in effect on July 1, 2014, are regulated type A species statewide.

(2) The department, in consultation with the invasive species council, may change these classifications by rule.

NEW SECTION. Sec. 106. (1) Prohibited level 1, level 2, and level 3 species may not be possessed, introduced on or into a water body or property, or trafficked, without department authorization, a permit, or as otherwise provided by rule.

(2) Regulated type A, type B, and type C species may not be introduced on or into a water body or property without department authorization, a permit, or as otherwise provided by rule.

(3) Regulated type B species, when being actively used for commercial purposes, must be readily and clearly identified in writing by taxonomic species name or subspecies name to distinguish the subspecies from another prohibited species or a regulated type A species. Nothing in this section precludes using additional descriptive language or trade names to describe regulated type B species as long as the labeling requirements of this section are met.

NEW SECTION. Sec. 107. (1) If the department determines it is necessary to protect the environmental, economic, or human

health interests of the state from the threat of a prohibited level 1 or level 2 species, the department may declare a quarantine against a water body, property, or region within the state. The department may prohibit or condition the movement of aquatic conveyances and waters from such a quarantined place or area that are likely to contain a prohibited species.

(2) A quarantine declaration under this section may be implemented separately or in conjunction with rapid response management actions under section 108 of this act and infested site management actions under section 109 of this act in a manner and for a duration necessary to protect the interests of the state from the threat of a prohibited level 1 or level 2 species. A quarantine declaration must include:

(a) The reasons for the action including the prohibited level 1 or level 2 species triggering the quarantine;

(b) The boundaries of the area affected;

(c) The action timeline;

(d) Types of aquatic conveyances and waters affected by the quarantine and any prohibition or conditions on the movement of those aquatic conveyances and waters from the quarantine area; and

(e) Inspection and decontamination requirements for aquatic conveyances.

NEW SECTION. Sec. 108. (1) The department may implement rapid response management actions where a prohibited level 1 species is detected in or on a water body or property. Rapid response management actions may: Include expedited actions to contain, control, or eradicate the prohibited species; and, if applicable, be implemented in conjunction with a quarantine declaration. Rapid response management actions must be terminated by the department when it determines that the targeted prohibited level 1 species are:

(a) Eradicated;

(b) Contained or controlled without need for further management actions;

(c) Reclassified for that water body; or

(d) Being managed under infested site management actions pursuant to section 109 of this act.

(2) If a rapid response management action exceeds seven days, the department may implement an incident command system for rapid response management including scope, duration, and types of actions and to support mutual assistance and cooperation between the department and other affected state and federal agencies, tribes, local governments, and private water body or property owners. The purpose of this system is to coordinate a rapid, effective, and efficient response to contain, control, and eradicate if feasible, a prohibited level 1 species. Mutual assistance and coordination by other state agencies is especially important to assist the department in expediting necessary state and federal environmental permits.

(3) The department may enter into cooperative agreements with national, regional, state, and local rapid response management action partners to establish incident command system structures, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments in preparation for potential future actions.

(4) The department may perform simulated rapid response exercises, testing, or other training activities to prepare for future rapid response management actions.

(5) In implementing rapid response management actions, the department may enter upon property consistent with the process established under section 119 of this act.

NEW SECTION. Sec. 109. (1) The department may implement infested site management actions where a prohibited level 2 species is detected in or on a water body or property. Infested site management actions may: Include long-term actions to contain, control, or eradicate the prohibited species; and, if

applicable, be implemented in conjunction with a quarantine declaration. Infested site management actions must be terminated by the department when it determines that the targeted prohibited level 2 species are:

(a) Eradicated;

(b) Contained or controlled without need for further management actions; or

(c) Reclassified for that water body.

(2) The department must consult with affected state and federal agencies, tribes, local governments, and private water body or property owners prior to implementing infested site management actions. The purpose of the consultation is to support mutual assistance and cooperation in providing an effective and efficient response to contain, control, and eradicate, if feasible, a prohibited level 2 species.

(3) The department may enter into cooperative agreements with national, regional, state, and local infested site management action partners to establish management responsibilities, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments.

(4) In implementing infested site management actions, the department may enter upon property consistent with the process established under section 119 of this act.

NEW SECTION. Sec. 110. (1) To the extent possible, the department's quarantine declarations under section 107 of this act, rapid response management actions under section 108 of this act, and infested site management actions under section 109 of this act must be implemented in a manner best suited to contain, control, and eradicate prohibited level 1 and level 2 species while protecting human safety, minimizing adverse environmental impacts to a water body or property, and minimizing adverse economic impacts to owners of an affected water body or property.

(2) The department is the lead agency for quarantine declarations, rapid response, and infested site management actions. Where the infested water body is subject to tribal, federal, or other sovereign jurisdiction, the department:

(a) Must consult with appropriate federal agencies, tribal governments, other states, and Canadian government entities to develop and implement coordinated management actions on affected water bodies under shared jurisdiction;

(b) May assist in infested site management actions where these actions may prevent the spread of prohibited species into state water bodies; and

(c) May assist other states and Canadian government entities, in the Columbia river basin, in management actions on affected water bodies outside of the state where these actions may prevent the spread of the species into state water bodies.

(3)(a) The department must provide notice of quarantine declarations, rapid response, and infested site management actions to owners of an affected water body or property. Notice may be provided by any reasonable means, such as in person, by United States postal service, by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body.

(b) The department must provide updates to owners of an affected water body or property based on management action type as follows:

(i) Every seven days for a rapid response management action and, if applicable, a quarantine declaration implemented in conjunction with a rapid response management action;

(ii) Every six months for a separate quarantine declaration;

(iii) Annually for the duration of an infested site management action and, if applicable, a quarantine declaration implemented in conjunction with an infested site management action; and

(iv) A final update at the conclusion of any management action.

(c) In addition to owners of an affected water body or property, the department must provide notice of a quarantine declaration to members of the public by any reasonable means for an area subject to a quarantine declaration, such as by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body. The department must provide updates at reasonable intervals and a final update at the conclusion of the quarantine declaration.

(4) The department must publicly list those water bodies or portions of water bodies in which a prohibited level 1 or level 2 species has been detected. The department may list those areas in which a prohibited level 3 species has been detected.

(5) When posting signs at a water body or property where a prohibited species has been detected, the department must consult with owners of the affected water body or property regarding placement of those signs.

NEW SECTION. Sec. 111. (1) If the director finds that there exists an imminent danger of a prohibited level 1 or level 2 species detection that seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, the director must ask the governor to order, under RCW 43.06.010(14), emergency measures to prevent or abate the prohibited species. The director's findings must contain an evaluation of the effect of the emergency measures on environmental factors such as fish listed under the endangered species act, economic factors such as public and private access, human health factors such as water quality, or well-being factors such as cultural resources.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may consult with the invasive species council to advise the governor on emergency measures necessary under RCW 43.06.010(14) and this section, and make subsequent recommendations to the governor. The invasive species council must involve owners of the affected water body or property, state and local governments, federal agencies, tribes, public health interests, technical service providers, and environmental organizations, as appropriate.

(3) Upon the governor's approval of emergency measures, the director may implement these measures to prevent, contain, control, or eradicate invasive species that are the subject of the emergency order, notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any other statute. These measures, after evaluation of all other alternatives, may include the surface and aerial application of pesticides.

(4) The director must continually evaluate the effects of the emergency measures and report these to the governor at intervals of not less than ten days. The director must immediately advise the governor if the director finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. Sec. 112. (1) A person in possession of an aquatic conveyance who enters Washington by road, air, or water is required to have a certificate of inspection. A person must provide this certificate of inspection upon request by a fish and wildlife officer or ex officio fish and wildlife officer.

(2) The department must adopt rules to implement this section including:

(a) Types of aquatic conveyances required to have a certificate of inspection;

(b) Allowable certificate of inspection forms including passport type systems and integration with existing similar permits;

(c) Situations when authorization can be obtained for transporting an aquatic conveyance not meeting inspection requirements to a specified location within the state where certificate of inspection requirements can be provided; and

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(d) Situations where aquatic conveyances are using shared boundary waters of the state, such as portions of the Columbia river, lake Osoyoos, and the Puget Sound.

NEW SECTION. Sec. 113. (1) A person in possession of an aquatic conveyance must meet clean and drain requirements after the conveyance's use in or on a water body or property. A certificate of inspection is not needed to meet clean and drain requirements.

(2) A fish and wildlife officer or ex officio fish and wildlife officer may order a person transporting an aquatic conveyance not meeting clean and drain requirements to:

(a) Clean and drain the conveyance at the discovery site, if the department determines there are sufficient resources available; or

(b) Transport the conveyance to a reasonably close location where resources are sufficient to meet the clean and drain requirements.

(3) This section may be enforced immediately on the transportation of aquatic plants by registered watercraft, small watercraft, seaplanes, and commercial watercraft. The department must adopt rules to implement all other aspects of clean and drain requirements, including:

(a) Other types of aquatic conveyances subject to this requirement;

(b) When transport of an aquatic conveyance is authorized if clean and drain services are not readily available at the last water body used; and

(c) Exemptions to clean and drain requirements where the department determines there is minimal risk of spreading invasive species.

NEW SECTION. Sec. 114. (1) The department may establish mandatory check stations to inspect aquatic conveyances for clean and drain requirements and aquatic invasive species. The check stations must be operated by at least one fish and wildlife officer, an ex officio fish and wildlife officer in coordination with the department, or department-authorized representative, and must be plainly marked by signs and operated in a safe manner.

(2) Aquatic conveyances required to stop at mandatory check stations include registered watercraft, commercial watercraft, and small watercraft. The department may establish rules governing other types of aquatic conveyances that must stop at mandatory check stations. The rules must provide sufficient guidance so that a person transporting the aquatic conveyance readily understands that he or she is required to stop.

(3) A person who encounters a mandatory check station while transporting an aquatic conveyance must:

(a) Stop at the mandatory check station;

(b) Allow the aquatic conveyance to be inspected for clean and drain requirements and aquatic invasive species;

(c) Follow clean and drain orders if clean and drain requirements are not met pursuant to section 113 of this act; and

(d) Follow decontamination orders pursuant to section 115 of this act if an aquatic invasive species is found.

(4) A person who complies with the department directives under this section is exempt from criminal penalties under sections 205 and 206 of this act, civil penalties under RCW 77.15.160(4), and civil forfeiture under RCW 77.15.070, unless the person has a prior conviction for an invasive species violation within the past five years.

NEW SECTION. Sec. 115. (1) Upon discovery of an aquatic conveyance that carries or contains an aquatic invasive species without department authorization, a permit, or as otherwise provided by rule, a fish and wildlife officer or ex officio fish and wildlife officer may issue a decontamination order:

(a) Requiring decontamination at the discovery site, if the situation presents a low risk of aquatic invasive species introduction,

and sufficient department resources are available at the discovery site;

(b) Prohibiting the launch of the aquatic conveyance in a water body until decontamination is completed and certified, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site;

(c) Requiring immediate transport of the conveyance to an approved decontamination station, and prohibiting the launch of the conveyance in a water body until decontamination is completed and certified, if the situation presents a moderate risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site; or

(d) Seizing and transporting the aquatic conveyance to an approved decontamination station until decontamination is completed and certified, if the situation presents a high risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site.

(2) The person possessing the aquatic conveyance that is subject to orders issued under subsection (1)(b) through (d) of this section must bear any costs for seizure, transportation, or decontamination.

(3) Orders issued under subsection (1)(b) through (d) of this section must be in writing and must include notice of the opportunity for a hearing pursuant to section 116 of this act to determine the validity of the orders.

(4) If a decontamination order is issued under subsection (1)(d) of this section, the department may seize the aquatic conveyance for two working days or a reasonable additional period of time thereafter as needed to meet decontamination requirements. The decontamination period must be based on factors including conveyance size and complexity, type and number of aquatic invasive species present, and decontamination station resource capacity.

(5) If an aquatic conveyance is subject to forfeiture under RCW 77.15.070, the timelines and other provisions under that section apply to the seizure.

(6) Upon decontamination and issuing a certificate of inspection, an aquatic conveyance must be released to the person in possession of the aquatic conveyance at the time the decontamination order was issued, or to the owner of the aquatic conveyance.

NEW SECTION. Sec. 116. (1) A person aggrieved or adversely affected by a quarantine declaration under section 107 of this act, a rapid response management action under section 108 of this act, an infested site management action under section 109 of this act, or a decontamination order under section 115 of this act may contest the validity of the department's actions by requesting a hearing in writing within twenty days of the department's actions.

(2) Hearings must be conducted pursuant to chapter 34.05 RCW and the burden of demonstrating the invalidity of agency action is on the party asserting invalidity. The hearing may be conducted by the director or the director's designee and may occur telephonically.

(3) A hearing on a decontamination order is limited to the issues of whether decontamination was necessary and the reasonableness of costs assessed for any seizure, transportation, and decontamination. If the person in possession of the aquatic conveyance that was decontaminated prevails at the hearing, the person is entitled to reimbursement by the department for any costs assessed by the department or decontamination station operator for the seizure, transportation, and decontamination. If the department prevails at the hearing, the department is not responsible for and may not reimburse any costs.

NEW SECTION. Sec. 117. (1) The department may operate aquatic conveyance inspection and decontamination stations statewide for voluntary use by the public or for mandatory use

where directed by the department to meet inspection and decontamination requirements of this chapter. Decontamination stations can be part of or separate from inspection stations. Inspection and decontamination stations are separate from commercial vehicle weigh stations operated by the Washington state patrol.

(2) Inspection station staff must inspect aquatic conveyances to determine whether the conveyances carry or contain aquatic invasive species. If an aquatic conveyance is free of aquatic invasive species, then inspection station staff must issue a certificate of inspection. A certificate of inspection is valid until the conveyance's next use in a water body.

(3) If a conveyance carries or contains aquatic invasive species, then inspection station staff must require the conveyance's decontamination before issuing a certificate of inspection. The certificate of inspection is valid until the conveyance's next use in a water body.

(4) The department must identify, in a way that is readily available to the public, the location and contact information for inspection and decontamination stations.

(5) The department must adopt by rule standards for inspection and decontamination that, where practical and appropriate, align with regional, national, and international standards.

NEW SECTION. Sec. 118. (1) The department may authorize representatives to operate its inspection and decontamination stations and mandatory check stations. Department-authorized representatives may be department volunteers, other law enforcement agencies, or independent businesses.

(2) The department must adopt rules governing the types of services that department-authorized representatives may perform under this chapter.

(3) Department-authorized representatives must have official identification, training, and administrative capacity to fulfill their responsibilities under this section.

(4) Within two years of the effective date of this section, the department must provide the legislature with recommendations for a fee schedule that department-authorized representatives may charge users whose aquatic conveyances receive inspection and decontamination services.

NEW SECTION. Sec. 119. (1) The department may enter upon a property or water body at any reasonable time for the purpose of administering this chapter, including inspecting and decontaminating aquatic conveyances, collecting invasive species samples, implementing rapid response management actions or infested site management actions, and containing, controlling, or eradicating invasive species.

(2) Prior to entering the property or water body, the department shall make a reasonable attempt to notify the owner of the property or water body as to the purpose and need for the entry. Should the department be denied access to any property or water body where access is sought for the purposes set forth in this chapter, the department may apply to any court of competent jurisdiction for a warrant authorizing access to the property.

(3) Upon such an application, the court may issue the warrant for the purposes requested where the court finds reasonable cause to believe it is necessary to achieve the purposes of this chapter.

NEW SECTION. Sec. 120. (1) Funds from the watercraft excise tax proceeds that are deposited into the aquatic invasive species prevention account established under RCW 77.12.879 and the aquatic invasive species enforcement account established under RCW 43.43.400 may be used by the department to develop and implement an aquatic invasive species local management grant program. The grant program may expend up to two hundred fifty thousand dollars per fiscal year as competitive grants to state

agencies, cities, counties, tribes, special purpose districts, academic institutions, and nonprofit groups to:

(a) Manage prohibited level 1 or level 2 aquatic species at a local level;

(b) Develop rapid response management cooperative agreements for local water bodies;

(c) Develop or implement prohibited species management cooperative agreements for local water bodies; and

(d) Conduct innovative applied research that directly supports on-the-ground prevention, control, and eradication efforts.

(2) The department must give preference to projects that have matching funds, provide in-kind services, or maintain or enhance outdoor recreational opportunities.

NEW SECTION. Sec. 121. The provisions of this chapter must be liberally construed to carry out the intent of the legislature.

NEW SECTION. Sec. 122. Sections 102 through 104 and 106 through 121 of this act constitute a new chapter in Title 77 RCW.

PART 2

INVASIVE SPECIES—ENFORCEMENT

NEW SECTION. Sec. 201. A new section is added to chapter 77.15 RCW to read as follows:

(1) Based upon reasonable suspicion that a person possesses an aquatic conveyance that has not been cleaned and drained or carries or contains aquatic invasive species in violation of this title, fish and wildlife officers or ex officio fish and wildlife officers may temporarily stop the person and inspect the aquatic conveyance for compliance with the requirements of this title.

(2) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. Sec. 202. A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that there has been a violation of an invasive species law of the state of Washington, or upon a showing of probable cause to believe that evidence of such a violation may be found at a place, a court must issue a search warrant or arrest warrant. Fish and wildlife officers or ex officio fish and wildlife officers may execute any such search or arrest warrant reasonably necessary to carry out their duties under this title with regard to an invasive species law and may seize invasive species or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have property opened or entered and the contents examined.

(2) Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

NEW SECTION. Sec. 203. A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that a water body or property has an invasive species in or on it, and the owner refuses permission to allow inspection of the water body or property, a court in the county in which the water body or property is located may, upon the request of the director or the director's designee, issue a warrant to the director or the director's designee authorizing the taking of specimens of invasive species, general inspection of the property or water body, and the performance of containment, eradication, or control work.

(2) Application for issuance, execution, and return of the warrant authorized by this section must be in accordance with the applicable rules of the superior courts or the district courts.

Sec. 204. RCW 77.15.160 and 2013 c 307 s 2 are each amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

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(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

~~(4) ((Aquatic invasive species infraction: Entering Washington by road and transporting a recreational or commercial watercraft that has been used outside of Washington without meeting documentation requirements as provided under RCW 77.12.879.))~~ (a) Invasive species management infractions:

(i) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under section 112 of this act;

(ii) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under section 113 of this act;

(iii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under section 113 or 114 of this act; and

(iv) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However, this subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe.

(b) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this subsection (4).

(5) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

~~((e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:~~

~~(i) This subsection does not apply to plants that are:~~

~~(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;~~

~~—(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;~~

~~—(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;~~

~~—(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or~~

~~—(E) Being transported in such a way as the commission may otherwise prescribe; and~~

~~—(ii) This subsection does not apply to a person who:~~

~~—(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or~~

~~—(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.)~~

NEW SECTION. Sec. 205. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the second degree if the person:

(a) Fails to stop at a mandatory check station or to return to the mandatory check station for inspection if directed to do so by a fish and wildlife officer or ex officio fish and wildlife officer;

(b) Fails to allow an aquatic conveyance stopped at a mandatory check station to be inspected for clean and drain requirements or aquatic invasive species;

(c) Fails to comply with a decontamination order;

(d) Possesses, except in the case of trafficking, a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule;

(e) Possesses, introduces on or into a water body or property, or traffics in a prohibited level 3 species without department authorization, a permit, or as otherwise provided by rule;

(f) Introduces on or into a water body or property a regulated type A, type B, or type C species without department authorization, a permit, or as otherwise provided by rule;

(g) Fails to readily and clearly identify in writing by taxonomic species name or subspecies name a regulated type B species used for commercial purposes; or

(h) Knowingly violates a quarantine declaration under section 107 of this act.

(2) A violation of subsection (1) of this section is a gross misdemeanor. In addition to criminal penalties, a court may order the person to pay all costs in capturing, killing, or controlling the invasive species, including its progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with the department directives pursuant to section 114 of this act for mandatory check stations. Such a person is exempt from criminal penalties under this section or section 206 of this act, and forfeiture under this chapter, unless the person has a prior conviction under those sections within the past five years;

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and immediately returning it to the water body from which it came;

(c) Possessing or introducing nonnative aquatic animal species by ballast water held or discharged by vessels regulated under chapter 77.120 RCW; or

(d) Possessing or introducing nonnative aquatic animal species through private sector shellfish aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. Sec. 206. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the first degree if the person:

(a) Traffics or introduces on or into a water body or property a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule; or

(b) Commits a subsequent violation of unlawful use of invasive species in the second degree within five years of the date of a prior conviction under section 205 of this act.

(2) A violation of this section is a class C felony. In addition to criminal penalties, a court may order the person to pay all costs in managing the invasive species, including the species' progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with department directives pursuant to section 114 of this act for mandatory check stations, and who is exempt from criminal penalties under this section and forfeiture under this chapter, unless the person has a prior conviction under this section or section 205 of this act within the past five years; or

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and is immediately returning it to the water body from which it came.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

PART 3 INVASIVE SPECIES--OTHER PROVISIONS

Sec. 301. RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(2) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(3) ("~~Aquatic invasive species~~" means ~~any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (4), (34), (49), (53), (70), and (71) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).~~

~~—(4) "Aquatic plant species" means an emergent, submersed, partially submersed, free floating, or floating-leaving plant species that grows in or near a body of water or wetland.~~

~~—(5)) "Bag limit" means the maximum number of game animals,~~

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game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

~~((6))~~ (4) "Building" means a private domicile, garage, barn, or public or commercial building.

~~((7))~~ (5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

~~((8))~~ (6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

~~((9))~~ (7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

~~((10))~~ (8) "Commercial" means related to or connected with buying, selling, or bartering.

~~((11))~~ (9) "Commission" means the state fish and wildlife commission.

~~((12))~~ (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((13))~~ (11) "Contraband" means any property that is unlawful to produce or possess.

~~((14))~~ (12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

~~((15))~~ (13) "Department" means the department of fish and wildlife.

~~((16))~~ (14) "Director" means the director of fish and wildlife.

~~((17))~~ (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

~~((18))~~ (16) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

~~((19))~~ (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state

waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((20))~~ (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

~~((21))~~ (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

~~((22))~~ (20) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

~~((23))~~ (21) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((24))~~ (22) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

~~((25))~~ (23) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((26))~~ (24) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((27))~~ (25) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

~~((28))~~ (26) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((29))~~ (27) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((30))~~ (28) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~((31))~~ (29) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

~~((32))~~ (30) "Illegal items" means those items unlawful to be possessed.

~~((33))~~ (31)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

~~((34))~~ "Invasive species" means a plant species or a nonnative animal species that either:

~~—(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;~~

~~—(b) Threatens or may threaten natural resources or their use in the state;~~

~~—(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or~~

~~—(d) Threatens or harms human health.~~

~~((35))~~ (32) "Large wild carnivore" includes wild bear, cougar, and wolf.

~~((36))~~ (33) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((37))~~ (34) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((38))~~ (35) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~((39))~~ (36) "Natural person" means a human being.

~~((40))~~ (37)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

~~((41))~~ (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((42))~~ (39) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((43))~~ (40) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((44))~~ (41) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((45))~~ (42) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((46))~~ (43) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~((47))~~ (44) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((48))~~ (45) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((49))~~ "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((50))~~ (46) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((51))~~ (47) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((52))~~ "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((53))~~ "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((54))~~ (48) "Resident" has the same meaning as defined in RCW 77.08.075.

~~((55))~~ (49) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((56))~~ (50) "Saltwater" means those marine waters seaward of river mouths.

~~((57))~~ (51) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((58))~~ (52) "Senior" means a person seventy years old or older.

~~((59))~~ (53) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

~~((60))~~ (54)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

~~((61))~~ (55) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((62))~~ (56) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((63))~~ (57) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

~~((64))~~ (58) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((65))~~ (59) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((66))~~ (60) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((67))~~ (61) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((68))~~ (62) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((69))~~ (63) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

~~((70))~~ "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((71))~~ "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((72))~~ (64) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

~~((73))~~ (65) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((74))~~ (66) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((75))~~ (67) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and

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invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((76))~~ (68) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

~~((77))~~ (69) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 302. RCW 77.12.020 and 2002 c 281 s 3 are each amended to read as follows:

(1) The director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in freshwater except those classified as food fish by the director.

(5) The director may recommend to the commission that a species of wildlife should not be hunted or fished. The commission may designate species of wildlife as protected.

(6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate an endangered species.

(7) If the director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate deleterious exotic wildlife.

~~((8))~~ ~~(Upon recommendation by the director, the commission may classify nonnative aquatic animal species according to the following categories:~~

~~—(a) Prohibited aquatic animal species: These species are considered by the commission to have a high risk of becoming an invasive species and may not be possessed, imported, purchased, sold, propagated, transported, or released into state waters except as provided in RCW 77.15.253;~~

~~—(b) Regulated aquatic animal species: These species are considered by the commission to have some beneficial use along with a moderate, but manageable risk of becoming an invasive species, and may not be released into state waters, except as provided in RCW 77.15.253. The commission shall classify the following commercial aquaculture species as regulated aquatic animal species, and allow their release into state waters pursuant to rule of the commission: Pacific oyster (*Crassostrea gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe oyster (*Crassostrea ariakensis*);~~

~~—(c) Unregulated aquatic animal species: These species are considered by the commission as having some beneficial use along with a low risk of becoming an invasive species, and are not subject to regulation under this title;~~

~~—(d) Unlisted aquatic animal species: These species are not designated as a prohibited aquatic animal species, regulated aquatic~~

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~~animal species, or unregulated aquatic animal species by the commission, and may not be released into state waters. Upon request, the commission may determine the appropriate category for an unlisted aquatic animal species and classify the species accordingly;~~

~~—(e) This subsection (8) does not apply to the transportation or release of nonnative aquatic animal species by ballast water or ballast water discharge.~~

~~—(9))~~ Upon recommendation by the director, the commission may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

Sec. 303. RCW 77.15.080 and 2012 c 176 s 9 are each amended to read as follows:

~~((4))~~ Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

~~((2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.)~~

Sec. 304. RCW 77.15.290 and 2012 c 176 s 21 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to ~~((: (a) Any person stopped at an aquatic))~~ invasive species ~~((check station who possesses a~~

~~recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use).~~

Sec. 305. RCW 43.06.010 and 1994 c 223 s 3 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that a prohibited level 1 or level 2 species as defined in chapter 77.-- RCW (the new chapter created

in section 122 of this act) has been detected and after finding that the detected species seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the prohibited species, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 306. RCW 43.43.400 and 2011 c 171 s 8 are each amended to read as follows:

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

~~—(a) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 [(3), (28), (40), (44), (58), and (59)], aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).~~

~~—(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.~~

~~—(2)) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 82.49.030 and 88.02.640 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.~~

~~((3) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:~~

~~—(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of aquatic invasive species; and~~

~~—(b) By the department of fish and wildlife to:~~

~~—(i) Establish random check stations, to inspect recreational and commercial watercraft as provided for in RCW 77.12.879(3);~~

~~—(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;~~

~~—(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft; and~~

~~—(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.~~

~~—(4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.)~~

(2) Expenditures from the account by the Washington state patrol may only be used to inspect for the presence of aquatic invasive species on aquatic conveyances that are required to stop at a Washington state patrol port of entry weigh station.

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(3) Expenditures from the account by the department of fish and wildlife may only be used to develop and implement an: (a) Aquatic invasive species local management grant program; and (b) aquatic invasive species enforcement program including enforcement of chapter 77.-- RCW (the new chapter created in section 122 of this act), enforcement of aquatic invasive species provisions in chapter 77.15 RCW, and training Washington state patrol employees working at port of entry weigh stations on how to inspect aquatic conveyances for the presence of aquatic invasive species.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

Sec. 307. RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or

household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse; or

(d) The person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

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

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

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under section 205 or 206 of this act may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((43))~~ (15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

Sec. 308. RCW 77.15.360 and 2007 c 337 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title, including but not limited to interfering:

(a) In the operation of department vehicles, vessels, or aircraft; ~~((or))~~

(b) With the collection of samples of tissue, fluids, or other bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

(c) With actions authorized by a warrant issued under section 119 or 203 of this act.

(2) Unlawful interfering in department operations is a gross misdemeanor.

Sec. 309. RCW 82.49.030 and 2010 c 161 s 1045 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing, county auditor or other agent, or subagent appointed by the director of the department of licensing at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter must be deposited ~~((in the general fund.))~~ as follows:

(a) For fiscal year 2015, ninety-six percent to the general fund and the remaining four percent to be distributed as specified in subsection (3) of this section;

(b) For fiscal year 2016, ninety-three percent to the general fund and the remaining seven percent to be distributed as specified in subsection (3) of this section; and

(c) For fiscal year 2017 and each fiscal year thereafter, ninety percent to the general fund and the remaining ten percent to be distributed as specified in subsection (3) of this section.

(3) The excise tax not deposited into the general fund in subsection (2) of this section must be distributed as follows:

(a) Sixty percent must be deposited into the aquatic invasive species prevention account established under RCW 77.12.879; and

(b) Forty percent must be deposited into the aquatic invasive species enforcement account established under RCW 43.43.400.

Sec. 310. RCW 77.12.879 and 2013 c 307 s 1 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. ~~((Moneys directed to the account from RCW 88.02.640(3)(a)(i) must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.~~

~~—(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:~~

~~—(a) To inspect recreational and commercial watercraft;~~

~~—(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;~~

~~—(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;~~

~~—(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and~~

~~—(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.~~

~~—(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft.~~

~~—(a) The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species.~~

~~—(b) A person who enters Washington by road transporting any commercial or recreational watercraft that has been used outside of Washington must have in his or her possession documentation that the watercraft is free of aquatic invasive species. The department must develop and maintain rules to implement this subsection (3)(b), including specifying allowable forms of documentation.~~

~~—(c) The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner.~~

~~—(d) Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft.~~

~~—(e) Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft.~~

~~—(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005.) All receipts directed to the account from RCW 82.49.030 and 88.02.640, as well as legislative appropriations, gifts, donations, fees, and penalties~~

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received by the department for aquatic invasive species management, must be deposited into the account.

(2) Expenditures from the account may only be used to implement the provisions of chapter 77.-- RCW (the new chapter created in section 122 of this act).

(3) Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 311. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2015, from the aquatic invasive species prevention account to the department of fish and wildlife for a contract, that includes performance measures and requires reporting on outcomes, with the Pacific Northwest economic region nonprofit organization to support regional coordination of invasive species prevention activities in the Pacific Northwest.

NEW SECTION. Sec. 312. The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2015, from the aquatic invasive species enforcement account to the department of fish and wildlife for a contract, that includes performance measures and requires reporting on outcomes, with the Pacific Northwest economic region nonprofit organization to support regional coordination of invasive species prevention activities in the Pacific Northwest.

NEW SECTION. Sec. 313. The following acts or parts of acts are each repealed:

(1) RCW 77.12.875 (Prohibited aquatic animal species--Infested state waters) and 2002 c 281 s 5;

(2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002 c 281 s 6;

(3) RCW 77.12.882 (Aquatic invasive species--Inspection of recreational and commercial watercraft--Rules--Signage) and 2007 c 350 s 4;

(4) RCW 77.15.253 (Unlawful use of prohibited aquatic animal species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;

(5) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species check stations--Penalty) and 2007 c 350 s 7;

(6) RCW 77.60.110 (Zebra mussels and European green crabs--Draft rules--Prevention of introduction and dispersal) and 1998 c 153 s 2; and

(7) RCW 77.60.120 (Infested waters--List published) and 1998 c 153 s 3."

Senators Honeyford, Liias and Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Honeyford, Hargrove and Liias to Substitute Senate Bill No. 6040.

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

MOTION

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

On page 1, line 1 of the title, after "species;" strike the remainder of the title and insert "amending RCW 77.15.160, 77.12.020, 77.15.080, 77.15.290, 43.06.010, 43.43.400, 10.31.100, 77.15.360, 82.49.030, and 77.12.879; reenacting and amending RCW 77.08.010; adding new sections to chapter 77.15 RCW; adding a new chapter to Title 77 RCW; creating a new section; repealing RCW 77.12.875, 77.12.878, 77.12.882, 77.15.253, 77.15.293, 77.60.110, and 77.60.120; prescribing penalties; and making appropriations."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 6040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Liias, Parlette and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6040.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Becker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, 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 Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION
8679

By Senators Mullet and Litzow

WHEREAS, Ava Frisinger served 16 years as Mayor of Issaquah and is known as the city's longest-serving mayor; and

WHEREAS, Before serving as mayor, Ava Frisinger provided exceptional leadership to Issaquah's City Council, staff, and volunteers as a member on the City Council and the Planning Policy Commission; and

WHEREAS, Both in her public and private life, Ava Frisinger remains committed to sustainability and is a dedicated advocate for her community and an environmental steward who balances Issaquah's environmental, economic, and social needs; and

WHEREAS, Ava Frisinger successfully implemented smart-growth policies in one of the fastest growing cities to ensure that the City of Issaquah grew responsibly and in a way that preserves open space and quality of life, a highlight of which includes the preservation of more than 140 acres on Park Pointe; and

WHEREAS, Ava Frisinger was instrumental in the creation of the Central Issaquah Plan, the Issaquah Highlands, and Talus urban villages, which have set the standard in the Puget Sound Region for sustainable, long-term, environmentally responsible development; and

WHEREAS, As a vest-clad docent at the Issaquah Salmon Hatchery, Ava Frisinger is an expert on salmon policy and an environmental leader for the Friends of the Issaquah Salmon Hatchery;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the outstanding career achievements and accomplishments of Ava Frisinger; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ava Frisinger to convey the respect of this body and acknowledge a career committed to serving the people and city of Issaquah.

Senators Mullet and Litzow spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Ava Frisinger, Mayor of Issaquah, and her husband Mr. Bill Frisinger who were present in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 6078, by Senators McCoy, Kohl-Welles and Conway

Recognizing "Native American Heritage Day."

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 6078 was substituted for Senate Bill No. 6078 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 6078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy, Roach, Hargrove, Sheldon, Fraser, Angel, Baumgartner, McAuliffe, Chase and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: "Thank you Mr. President. It's already been noted on the floor. This is Senator McCoy's first bill. It's not his maiden speech but it's his first bill so we'll be honoring him today. I wanted to say a couple of things about Senator McCoy if I might? Well, he brought to us this awesome piece of legislation that I think will be particularly noted in the schools in our state for years to come. In this body we have a tremendous resource in Senator McCoy, not just for his expertise on tribal issues and his background on those things. What I think a lot of people don't know about Senator McCoy is that he served twenty years in the United States Air Force. He got training in the Air Force in computer and technical skills; worked in the White House for a few years as a computer technician; went into the private sector; came back to Washington about two decades ago to work with the Tulalip Tribe; and retired from there a couple of years ago having reached position of General Manager of the Quil Ceda Business Park essentially. He managed the lands that had the Casino, the outlet malls and all of the small business activities there. So, he's a resource to us on veteran issues, on business issues, on technology issues as well as the background he's gained in the Legislature for more than decade that he served in the House. So, I want welcome Senator McCoy to the Senate and you're just a great asset for all of us. Thank you."

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President. So, when I arrived in the House four years ago I didn't know anything. Some people might say that I still don't know anything. That may be fair but Senator McCoy was the Chair of one of the committees that I served on. And, you know, he is this distinguished senior member and he really took me under his arm and helped me a lot. He helped me with my first bill, created the Office of Native Education in OSPI and I won't ever forget his support and his help in my legislative career. So, I want to welcome Senator McCoy to this body but as improbable as it may have seemed when we were in the House, I would like to remind him I do have seniority over him. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator King: "Well, I would like to say welcome to the good Senator. I have one piece of advice for him. We have members on this floor that can talk for ever and ever on a given bill and so, we have a three minute rule that's implemented here on occasion and you know there's a lot of us on this floor that can say a lot things in three minutes. I believe in his maiden speech today, I want him to be aware of that three minute rule because I think he may have set a record for saying the fewest words in three minutes. so, I just want to remind him on occasion we have that rule and we might want to speed up just a little bit more but Senator welcome, great to have you here."

PERSONAL PRIVILEGE

Senator Angel: "Thank you Mr. President. I too want to welcome Senator McCoy. He was very kind. We served together. I was the ranking member on Tribal Affairs and he helped me

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learn a lot about tribal cultures and it was a great experience. I am looking forward to working with him here in the Senate.”

PERSONAL PRIVILEGE

Senator McCoy: “Thank you Mr. President. As with the custom of this chamber that after your first bill you provide a gift. Well, to further your education in my culture, we always give a gift after something like this. We do it at whatever occasion may be, it’s called a potlatch. So, consequently we are celebrating a potlatch and me providing traditional gifts from my culture. Now, the first one I want to draw your attention to is the one that’s got the basket weave and the note. This is from the children of the Tulalip Quil Ceda Elementary School. And the reason they teach the basket weave because it’s a basic math, hand and eye coordination, hand dexterity and other things. Within, in the Tulalip Quil Ceda elementary curriculum culture is inter-woven with their classwork. So, the same on the inside of the card was from each child in the school. So, this is actually a gift from the children and then the children also were the ones that made this necklace for me. And then, the second item, the rose. The cedar rose is also a traditional gift that we always give at whatever function that we’re at. So, both of these, the basket weave and the cedar rose can we worn as boutonnieres or I even have some folks that tie some yarn to it and then use it as a book mark. So, you can be creative how you use these items in my culture. So, you know I didn’t think I would ever come over to the Senate. In fact, a couple of years ago I said, ‘No way would I come over here’ but circumstances always change and I always leave my options open and ok, but basically every ten to twelve years I always change my job. I was in the House for eleven years so it was time for me to change and so here I am. Thank you for accepting me.”

SECOND READING

SENATE BILL NO. 6061, by Senators Litzow, Dammeier, Hill, Becker and Braun

Requiring adoption of high school academic acceleration policies.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 6061 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6163, by Senators Billig, Litzow, Frockt, Dammeier, McAuliffe, Rolfes, King, Tom, Kohl-Welles and Keiser

Creating the summer knowledge improvement pilot program. Revised for 2nd Substitute: Concerning expanded learning opportunities.

MOTIONS

On motion of Senator Billig, Second Substitute Senate Bill No. 6163 was substituted for Senate Bill No. 6163 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Second Substitute Senate Bill No. 6163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: “Would Senator Billig yield to a question? This is only to make a point Senator. It’s not to say anything negative. I do support the bill. Does this bill have a parent component in it?”

Senator Billig: “Yes, thank you Senator Roach for the question. There are several pieces of parent components in this bill. The bill creates a council to advise on extended opportunities. One of the members of that council would be a member of a parent organization, parent teacher organization. And then there’s also the bill contemplates a pilot project for an extended school year. One of the components of that pilot project would be that school districts must go out into the community to seek input from the community and specifically parents.”

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6163.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6163 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Padden and Schoesler

SECOND SUBSTITUTE SENATE BILL NO. 6163, 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. 6096, by Senators Pearson, McCoy, Brown and Roach

Providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas.

MOTIONS

On motion of Senator Pearson, Second Substitute Senate Bill No. 6096 was substituted for Senate Bill No. 6096 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Second Substitute Senate Bill No. 6096 was advanced to third

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

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE SENATE BILL NO. 6096, 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. 6312, by Senators Darneille, Hargrove, Rolfes, McAuliffe, Ranker, Conway, Cleveland, Fraser, McCoy, Keiser and Kohl-Welles

Concerning state purchasing of mental health and chemical dependency treatment services.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 6312 was substituted for Senate Bill No. 6312 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 6312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban, and Padden spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Darneille yield to a question? Nothing in this bill will modify the funding to or the use of the criminal justice training camp but will this bill have the drug court funding? Will it leave it alone?"

Senator Darneille: "I can only respond that it is a work in progress, that we're looking at the membership of the task force to make sure that there is more representation so that all voices can be heard. There will still be local decision making. Whatever comes out of this bill at the end of this process. There still will be local control on how dollars are spent. So, I imagine that those local planning groups are going to be clearly talking about how to implement all these services and so I know that there are a number of counties that use the one tenth of one percent tax authority to support their drug courts and I'm not sure that we at this level mandate how local governments use those dollars."

Senator Roach spoke on final passage of the bill.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6312.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE SENATE BILL NO. 6312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senator Sheldon

Promoting affordable housing in urban growth areas. Revised for 2nd Substitute: Promoting affordable housing in unincorporated areas of rural counties within urban growth areas.

MOTIONS

On motion of Senator Sheldon, Second Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the second substitute bill was placed on the second reading and read the second time.

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

Senator Sheldon spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Fraser, Kohl-Welles, McCoy and Nelson

SECOND SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SENATE BILL NO. 5977, by Senators Hobbs and Fain

Addressing the regulation of service contracts and protection product guarantees.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 5977, 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 Fain, Senator Dansel was excused.

SECOND READING

SENATE BILL NO. 6439, by Senators Liias, Litzow, McAuliffe, Billig, Kohl-Welles, Keiser, Pedersen, Mullet, Rolfes, Cleveland, Fraser and Frockt

Concerning preventing harassment, intimidation, and bullying in public schools.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Padden

Absent: Senator Holmquist Newbry

Excused: Senators Dansel and Ericksen

SUBSTITUTE SENATE BILL NO. 6439, 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.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed an international delegation of five young people from Indonesia visiting the capital while studying their program theme, "Young Leaders Working for Peaceful Change and Democratic Societies," focused on leadership, women and politics who were present in the gallery together with representatives of their sponsors, the World Affairs Council of Seattle, International Visitors Program and the U. S. Department of State.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. On this last bill I didn't have an opportunity to speak and I was really puzzled about whether I was going to speak. One of the concerns that I have and I think that Boeing is a very important issue but I was little disappointed in the maker of the motion and the sponsor of the bill because just yesterday I had-and this is tough to talk about-I had a striped shirt and a plaid tie and he really on multiple occasions had to point that out how big of a fashion faux pas that was. And it hurt me. It hurt me. I just wanted to take this opportunity to say that and to share my concerns and while I am pleased that you are here in the Senate and I think you're a wonderful addition I just hope that we can work on some of our more emotive and interpersonal skills in the future because many of us, particularly on the Majority Coalition side, we're just very sensitive people and we need to be treated with respect. Welcome aboard."

PERSONAL PRIVILEGE

Senator Nelson: "Well Mr. President, I too was very disappointed with Senator Liias' second speech. He took debate. He was a key debater at one time. This is a bill that you can be passionate about. This is a bill that should of make this chamber resonate and instead, instead, nice steady voice, discussing

bullying in schools. I expect more in the future Senator Liias. Use our debate skills, please on the Senate floor. I apologize but I'm so disappointed."

PERSONAL PRIVILEGE

Senator Pearson: "Yes, Mr. President. I hate to say it but his speech was like an empty growler bottle."

PERSONAL PRIVILEGE

Senator Billig: "Well, I wanted to welcome Senator Liias. I served with him in the other body and so in the other body there are ninety eight members or over twenty committees so statistically, the chances of serving on all three committees with another member is very small. That was the case, we served on all three committees together for two years and we were the two Co-Vice Chairs of the Transportation Committee. So, one of the reasons I came to the Senate was to get away from him and then he came over and followed me. We have something else in common. We both went to Georgetown University. Not the same year, I'm not sure who's older or younger but and I know his Latin is a little rusty but I wanted to welcome him to the Senate with the Georgetown motto which is; 'Hoya Saxa' Senator Liias."

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I actually have a question for you which is rather important. And I'm kind of discouraged Mr. President that there was such a dramatic rule change and I don't believe any of us were aware of it. So, mostly I'm curious, when was the rule changed that began allowing Pages to introduce legislation?"

PERSONAL PRIVILEGE

Senator Hobbs: "Well, the good Senator from the Twenty-First District introduced a resolution for Senator Paull Shin. We all remember Paull Shin and you told the stories, Senator, that he was telling you that you were handsome and bright. So, I was curious what you know if we could back that up? And what Paull said in his book, 'An Exodus For Hope'. Mr. President, if you don't mind I'd like to read from the book? When Marko Liias came to my office I remember telling him, that 'foolish ugly kid Marco, that he was handsome and that he was my adopted son. What a rube.' I even told him my famous monkey brain joke. And he laughed but everyone laughs at that joke and I don't know why. Besides, everyone knows Senator Hobbs is the most good looking and intelligent member of the Senate and I love him like a son'."

PERSONAL PRIVILEGE

Senator Liias: "Mr. President, I take it as a special victory that my first speech was on the Senator Shin resolution when no one dared to speak against it and the second time that I'm being bullied is on my anti school bullying bill. So, I feel like those are moral victories. I would like to personally apologize to the good Floor Leader. I was just trying to help improve the way that he was viewed on television by our television audiences. So, I will try to be more gentle and respectful in the future. And to Senator Hobbs, I'd hoped that he wouldn't read that passage. I mean it is sort of a tough passage for me in the book but I'd hoped he wouldn't share it with the public. And to you Mr. President, you asked me to make sure that when I gave my real maiden speech that we would have perhaps a second round of hospitality. You

haven't let me go home this week so I don't have it yet but come Monday morning, I promise you'll get a second round of wonderful treats from the Twenty First. And to Senator Pearson, we're going to bring some growler fills to the session by the end of this sixty days. So, we're going to solve these problems. I'm glad to be here."

REPLY BY THE PRESIDENT

President Owen: "Senator Liias, you clearly have a lot to learn about who's in control of the Senate. I haven't let you go home?! And speaking of fashion, well, that's another subject."

SECOND READING

SENATE BILL NO. 6137, by Senators Conway, Pearson, Parlette and Keiser

Regulating pharmacy benefit managers and pharmacy audits.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 6137 was substituted for Senate Bill No. 6137 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Conway be adopted:

On page 2, line 8 after "department of" strike "licensing" and insert "revenue"

On page 2, line 14 after "business address" insert "phone number,"

On page 2, line 22 after "rule." Insert the following:

"(4) All receipts from registrations and renewals collected by the department must be deposited into the business license account created in RCW 19.02.210."

On page 6, line 8 after "is" strike "identified" and insert "indicated"

On page 6, line 29 after "there" strike "is" and insert "are" and after "least" strike "one" and insert "two"

On line 30 after "source" strike "drug" and insert "drugs, or at least one generic drug available from only one manufacturer,"

On page 8, line 9 after "Title" strike "48" and insert "19"

On page 8, line 9 after "RCW." Insert the following:

"NEW SECTION, Sec. 12. A new section is added to chapter 19.02 RCW to read as follows: The department may adopt rules for the registration fee established in section 2 of this act."

Senators Parlette and Pedersen 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 Parlette and Conway on page 2, line 8 to Substitute Senate Bill No. 6137.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "pharmacy benefit managers regarding registration, audits and maximum allowable cost

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standards; and adding a new chapter to Title 19; and adding a new section to chapter 19.02 RCW."

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 6137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Parlette and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6137.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6137 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, 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. 6431, by Senators Hargrove, Kohl-Welles, Lias, Kline, Rolfes, Parlette, Frockt, Pedersen and Conway

Concerning assistance for schools in implementing youth suicide prevention activities.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6431 was substituted for Senate Bill No. 6431 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6431.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6431 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

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Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6431, 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 Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 11:18 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:55 p.m. by President Owen.

POINT OF ORDER

Senator Fain: "Did you get a new attorney?"

REPLY BY THE PRESIDENT

President Owen: "Yea, budget cuts."

Senator Fain: "You got a raw deal."

President Owen: "You take what you get."

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2014

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1286,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1902,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,

HOUSE BILL NO. 2061,

SUBSTITUTE HOUSE BILL NO. 2080,

SUBSTITUTE HOUSE BILL NO. 2135,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2160,

HOUSE BILL NO. 2254,

SUBSTITUTE HOUSE BILL NO. 2310,

HOUSE BILL NO. 2329,

SUBSTITUTE HOUSE BILL NO. 2331,

ENGROSSED HOUSE BILL NO. 2351,

SUBSTITUTE HOUSE BILL NO. 2372,

SUBSTITUTE HOUSE BILL NO. 2415,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451,
 SUBSTITUTE HOUSE BILL NO. 2467,
 SUBSTITUTE HOUSE BILL NO. 2492,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
 SUBSTITUTE HOUSE BILL NO. 2537,
 SUBSTITUTE HOUSE BILL NO. 2544,
 ENGROSSED HOUSE BILL NO. 2558,
 SUBSTITUTE HOUSE BILL NO. 2612,
 HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2739,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1298,
 ENGROSSED HOUSE BILL NO. 1367,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1892,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2029,
 SUBSTITUTE HOUSE BILL NO. 2074,
 HOUSE BILL NO. 2099,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
 SUBSTITUTE HOUSE BILL NO. 2126,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306,
 SECOND SUBSTITUTE HOUSE BILL NO. 2333,
 SUBSTITUTE HOUSE BILL NO. 2364,
 HOUSE BILL NO. 2407,
 HOUSE BILL NO. 2408,
 SUBSTITUTE HOUSE BILL NO. 2410,
 HOUSE BILL NO. 2437,
 HOUSE BILL NO. 2456,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2543,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2580,
 SUBSTITUTE HOUSE BILL NO. 2592,
 SECOND SUBSTITUTE HOUSE BILL NO. 2616,
 SUBSTITUTE HOUSE BILL NO. 2724,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6219, by Senators Dansel, Sheldon, Hatfield and Hobbs

Concerning actions for damage arising from vehicular traffic on a primitive road.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Pedersen spoke against passage of the bill.

POINT OF ORDER

Senator Sheldon: "I think the good Representative Pedersen is impugning those small counties, calling them 'primitive' counties. If you would, Mr. President, if you would please admonish Senator Pedersen."

REMARKS BY THE PRESIDENT

President Owen: "Did he really say primitive counties? Senator Pedersen, would really appreciate it if you would use a little more discretion in your comments. It hurts."

Senator Schoesler spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Pedersen yield to a question? I'd like you to enumerate the primitive counties in Washington State. To help you they are all listed up around here so you can just go around and tell us which ones are and which ones aren't?"

Senator Pedersen: "Senator Roach, perhaps all of the counties that have primitive roads might be primitive counties."

Senators Ericksen, Nelson and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hewitt

SENATE BILL NO. 6219, 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 Fain, Senator Hewitt was excused.

PERSONAL PRIVILEGE

Senator King: "Well, you know I heard that you know we started on the 13th of January this session and I heard that because

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the good Senator that just had this bill passed had to drive here on such primitive roads that he left on January 1st so I'm wondering if there is any truth to that rumor."

President Owen: "Before it gets in the meat department."

PERSONAL PRIVILEGE

PERSONAL PRIVILEGE

Senator Dansel: "I actually left in December but no. Well, first of all I thank the body's indulgence and yours Mr. President. I'm going to have passed out now some mementos. My gift however, today is not quite full. I'm getting some personalized golf balls made so you're going to get a sleeve of Titleist golf balls but also you're going to be receiving now a Cattle Producers of Washington lapel pin. The Seventh District is embodied by a lot of natural resource-based industries and cattle ranching is one of the last of many that a lot of the folks up there find their work from. I very much appreciate everything today and thank you."

Senator Honeyford: "Thank you Mr. President. I believe that Senator Dansel needs to have anatomy lesson. If you look at this animal carefully you'll notice neither a cow nor a bull, so I will leave it at that."

SECOND READING

SENATE BILL NO. 6076, by Senators Benton and Dansel

Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program.

PERSONAL PRIVILEGE

MOTION

Senator Fain: "I just want to say that I appreciate every member of this chamber very much but based upon what I've seen from Senator Dansel and the brevity of his floor speeches and his desire to remain mostly silent during our floor activity to help things move along, he is quickly becoming my favorite member. Thank you Mr. President."

On motion of Senator Benton, Substitute Senate Bill No. 6076 was substituted for Senate Bill No. 6076 and the substitute bill was placed on the second reading and read the second time.

MOTION

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, I'm trying to figure out what kind of animal this is! It's not a cougar I don't think so you guys are off the hook. It's not an elephant. We feel pretty good about that. It looks like it might be a bull in which case I want you to know that I wore my insignia, a shovel. I think if there is an insignia that governs all of us I think it's the shovel. Senator, I'm wondering if maybe this is a lynx. We don't want to have lynxes, cougars, none of that please. It clearly is a four-legged animal of some sort with an American flag imposed on it. I wonder if the good member from the Seventh could explain what this is?"

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:
On page 2, after line 19, insert the following: "(3)Any board of county commissioners that uses the tax levied under RCW 84.34.230 for maintenance and operations of parks and recreation land under subsection (2) of this section may do so only after an affirmative vote by the commission."

Senators Rolfes and Benton 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 Rolfes on page 2, after line 19 to Substitute Senate Bill No. 6076.

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

PERSONAL PRIVILEGE

MOTION

Senator Dansel: "Well, of course, sometimes the most dangerous animals walk on two legs but this happens to be just a simple cow draped in the American flag."

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 6076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6076.

PERSONAL PRIVILEGE

Senator Liias: "Thank you Mr. President. Once upon a time I was the youngest member of the State House so as I was preparing to make my transition over a number of folks asked. 'Are you going to the youngest member of the Senate?' And judging by the looks, I thought I actually may be and then I heard that there was this punk kid from Ferry County that was going to be here and he was taking that title so to the youngest member of the Senate from the youngest member of our caucus welcome and we look forward to working with you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6076 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, to Senator Kline who is obviously from Seattle, we'll get you a coloring book of what a cow, a pig, a goat, a sheep so you can learn what the animals are like and really know what goes on out there."

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

REMARKS BY THE PRESIDENT

Voting nay: Senators Ericksen, Holmquist Newbry and Honeyford

Excused: Senator Hewitt

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, 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. 6446, by Senators Schoesler, Hewitt and Ranker

Concerning payments in lieu of taxes on county game lands.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6446 was substituted for Senate Bill No. 6446 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6446.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6446, 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 Billig, Senators Hargrove and Ranker were excused.

SECOND READING

SENATE BILL NO. 6413, by Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker, Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown, Schoesler and Rolfes

Clarifying prior offenses for driving under the influence or physical control of a vehicle under the influence.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 6413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6413.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6413 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Ericksen

SENATE BILL NO. 6413, 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 Nelson, Senators Hargrove and Ranker were excused.

SECOND READING

SENATE BILL NO. 6179, by Senators Braun, Benton, Becker, Sheldon, Baumgartner, Brown, Schoesler, Rivers, Honeyford, Tom, Hewitt and Parlette

Authorizing workers' compensation group self-insurance plans.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6179 was substituted for Senate Bill No. 6179 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Schoesler spoke in favor of passage of the bill.

Senators Mullet and Pedersen spoke against passage of the bill.

POINT OF ORDER

Senator Rolfes: "Are we currently working under Senate Rule 29, allowing each member to speak only once?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senators Cleveland, Hasegawa, Kohl-Welles, Fraser, Keiser, Liias, Nelson and Rolfes spoke against passage of the bill.

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Senators Holmquist Newbry and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6179.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6179 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

SUBSTITUTE SENATE BILL NO. 6179, 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 Fain, Substitute Senate Bill No. 6179 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 6499, by Senators Dammeier, McAuliffe, Litzow, Ranker, Billig, Frockt, Tom, Hargrove, Fain and Rivers

Creating the joint task force on local education financing reform.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 6499 was substituted for Senate Bill No. 6499 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 3, beginning on line 12, strike all material through "section." on line 18 and insert the following:

"(5) Staff support for the task force shall be jointly provided by senate committee services and the house of representatives office of program research, with the office of financial management and the office of the superintendent of public instruction providing data and models as needed. The first meeting of the task force shall be convened by the house of representatives office of program research and senate committee services within forty-five days of the effective date of this section."

Senator Dammeier spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Nelson, Senators Hargrove and Ranker were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dammeier on page 3, line 12 to Substitute Senate Bill No. 6499.

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

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Frockt spoke in favor of passage of the bill.

Senator McAuliffe 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. 6499.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Dammeier, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Parlette, Pearson, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Cleveland, Conway, Dansel, Darneille, Eide, Fraser, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Padden, Pedersen and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, 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 Billig, Senator Ranker was excused.

SECOND READING

SENATE BILL NO. 6133, by Senators Braun, Conway, King and Tom

Concerning expiration dates related to real estate broker provisions.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6133.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Ericksen, Frockt and Holmquist Newbry

Excused: Senator Ranker

SENATE BILL NO. 6133, 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. 6228, by Senators Mullet, Tom, Keiser, Frockt, Parlette, Hatfield, Cleveland, Fain, Becker, Ericksen, Rolfes and Pedersen

Concerning transparency tools for consumer information on health care cost and quality.

MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Becker be adopted:

On page 2, line 14 after "(b)" insert the following "Recognizing integrated health care delivery systems focus on total cost of care, carrier's operating integrated care delivery systems may meet the requirement of subsection (a) by providing meaningful consumer data based on the total cost of care. This subsection applies only to the portion of enrollment a carrier offers pursuant to Chapter 48.46 RCW and as part of an integrated delivery system, and does not exempt from subsection (a) coverage offered pursuant to Chapter 48.21, 48.44, or 48.46 RCW if not part of an integrated delivery system;"

Correct the internal references accordingly.

On page 2, line 19 after "review" insert the following ", the feedback must be monitored for appropriateness and validity, and the site may include independently compiled quality of care ratings of providers and facilities"

On page 2, line 21 after "treatment" insert the following ", or the total cost of care," and on line 21, after "(a)" insert "and (b)"

On page 2, line 25 after "treatment" insert the following ", or total cost of the care episode,"

On page 2, line 33 after "available" insert the following "or medical versus surgical alternatives as appropriate"

On page 3, on line 9 after "site." Insert the following "(4) The commissioner may not expand the requirements of this act by rule."

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

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Becker on page 2, line 14 to Substitute Senate Bill No. 6228.

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

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 6228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6228 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Liias

Excused: Senators Kline and Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6228, 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. 6512, by Senators Becker, Sheldon, Holmquist Newbry, Rivers, Brown, Padden, Angel, Dammeier, Dansel, King, Hewitt, Honeyford and Pearson

Concerning federal funding programs requiring changes in state law.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6512 was substituted for Senate Bill No. 6512 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 6512 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6059, by Senators Brown, Chase, Rivers, Becker, Braun and Bailey

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Concerning charges for scanning public records.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

SENATE BILL NO. 6059, 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. 6358, by Senators Kohl-Welles, Bailey, Frockt, Becker, Chase and Tom

Requiring institutions of higher education to provide certain financial aid information to admitted and prospective students.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6358.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

SENATE BILL NO. 6358, 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. 6362, by Senators Bailey, Becker, Frockt, Kohl-Welles and Tom

Creating efficiencies for institutions of higher education.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6362 was substituted for Senate Bill No. 6362 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 6362, 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. 6436, by Senators Frockt, Bailey, Kohl-Welles and Hargrove

Creating a work group to make recommendations for the continued viability of the college bound scholarship program.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 6436 was substituted for Senate Bill No. 6436 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 9, after "(v)" insert "One representative of a private, nonprofit higher education institution as defined in RCW 28B.07.020(4), selected by an association of independent nonprofit baccalaureate degree-granting institutions; (vi)"

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

Senators Frockt and Bailey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 2, line 9 to Substitute Senate Bill No. 6436.

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

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6436.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6436 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6512 which had been deferred earlier in the day.

MOTION

Senator Becker moved that the following amendment by Senators Becker, Fraser and Hargrove be adopted:

On page 2, line 11, after "programs", insert "greater than twenty-five million dollars in biennial expenditures"

On page 2, line 11, after "agencies", insert "and the common school system"

Senators Becker and Fraser 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 Becker, Fraser and Hargrove on page 2, line 11 to Substitute Senate Bill No. 6512.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 6512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6512.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6512 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dandel, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Darneille, Frockt, Hasegawa, Keiser and Kohl-Welles

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6512, 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. 6201, by Senators Hasegawa, Kohl-Welles, Chase and Conway

Creating an optional life annuity benefit for plan 2 members of the law enforcement officers' and firefighters' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6201.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove

Excused: Senator Ranker

SENATE BILL NO. 6201, 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 Billig, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 6199, by Senators Braun and Hargrove

Addressing wildfires caused by incendiary devices.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6199 was substituted for Senate Bill No. 6199 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Kline and Ranker

SUBSTITUTE SENATE BILL NO. 6199, 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. 6250, by Senators Dammeier, Sheldon and Tom

Requiring submission of digital copies of public employees' collective bargaining agreements.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 6250 was substituted for Senate Bill No. 6250 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6250.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Frockt, Hasegawa, Hatfield, Kline, Liias, McAuliffe, McCoy, Nelson and Roach

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 6250, 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. 6124, by Senators Keiser, Dammeier, Hargrove, Ranker, McCoy, Hasegawa, Conway, Darneille, McAuliffe, Cleveland, Billig, Rolfes, Nelson, Mullet, Fraser, Frockt, Eide, Kohl-Welles, Kline, Hobbs, Pedersen, Hatfield, Parlette, Roach and Becker

Developing a state Alzheimer's plan.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6124 was substituted for Senate Bill No. 6124 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Baumgartner

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 6124, 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 Billig, Senator Liias was excused.

SECOND READING

SENATE BILL NO. 6143, by Senators Padden and Sheldon

Clarifying tenant remedies upon landlord's failure to perform duties.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Pedersen, Nelson, Kline and Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

Excused: Senators Liias and Ranker

SENATE BILL NO. 6143, 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. 6524, by Senators Ericksen, Sheldon, Benton, Baumgartner, Holmquist Newbry, Braun, Parlette and Dammeier

Concerning the safety of the transport of hazardous materials.

MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 6524 was substituted for Senate Bill No. 6524 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following striking amendment by Senator Rolfes be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that oil transportation by train and vessel poses a potential hazard to the health and well-being of Washington residents and the natural resources and economic vitality of the state. Recent accidents, such as the oil train explosions in North Dakota, Alabama, New Brunswick, and Quebec, as well as the frequent incidence of leaks and spills from pipelines, railcars, and vessels carrying oil across the nation, highlight the risks to human health and the environment caused by the transportation of oil. Furthermore, as the location and type of oil extracted in North America changes with the advent of new technology, there are associated changes in the patterns and methods of transporting crude oil and refined petroleum products. According to the United States department of transportation, the new types of oil being transported through the state may also be particularly flammable and dangerous. Measures to prevent spills from oil trains and tank vessels are critical to lowering risks to the state's natural resources and economic base. It is therefore the intent and purpose of this act to establish appropriate measures to reduce the risk of oil spills from vessels, to encourage the adoption of spill prevention measures, to ensure that the public has access to information about the movement of oil through the state, and to ensure that communities are fully informed about any risks posed to their safety by the transportation of oil.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.56 RCW to read as follows:

The department shall make available on its web site a quarterly report on the maritime and terrestrial transportation of oil in Washington. The report must include information including, but not limited to, the following sources:

(1) Information submitted to the department pursuant to section 3 of this act;

(2) Advanced notices of transfer and other information provided to the department pursuant to RCW 88.46.165, including aggregated information on the quantities and types of oil being transferred, the frequency and duration of oil transfers, and the locations of product transfers;

(3) Reported information on spills, accidents, discharges, or other prohibited occurrences submitted to the department pursuant to RCW 90.56.050(1), 90.56.280, or 88.46.100; and

(4) Relevant information about the volume and type of oil transported through Washington that is collected by federal agencies including the United States department of transportation, United States coast guard, United States department of energy, and United States army corps of engineers.

NEW SECTION. **Sec. 3.** A new section is added to chapter 90.56 RCW to read as follows:

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(1) The owner or operator for each facility other than a transmission pipeline shall submit to the department the following information:

(a) The number of tank vessels and railcars that transferred or delivered oil at the facility each week;

(b) The volume and type of oil that arrived at and departed from the facility each week, including the volume and type of oil:

(i) By mode of arrival at the facility, including but not limited to arrival by vessel, rail, pipeline, or motor vehicle;

(ii) By mode of departure from the facility, including but not limited to departure by vessel, rail, pipeline, or motor vehicle;

(c) The route taken by any oil that arrived at the facility by railcar.

(2) Beginning November 1, 2014, the owner or operator of each facility must submit the information required pursuant to subsection (1) of this section by February 1st, May 1st, August 1st, and November 1st of each year and each quarterly submission must include the information in subsection (1) of this section for each week of the quarter covered by the submission. The department may develop a reporting form and guidance for the submission of the information in subsection (1) of this section by facility owners or operators. To the extent feasible, the department must integrate the reporting form with other forms used by facilities to submit information to the department, including forms used to submit the information required by RCW 88.46.165.

(3)(a) Prior to making any confidential information submitted pursuant to this section available on its web site, the department must aggregate the submitted information to the extent necessary to ensure confidentiality if public disclosure of the specific information or data would result in an unfair competitive disadvantage to the owner or operator submitting the information.

(b) The department may not make publicly available specific information about the volume of oil or the number of vessels or railcars that arrive at or depart from individual facilities. Instead, information about facility-specific arrivals and departures of oil must be aggregated prior to disclosure in order to prevent unfair competitive disadvantage to the owner or operator submitting the information.

NEW SECTION. Sec. 4. (1) Washington State University shall consult with the department of ecology and the emergency management division of the military department to conduct a study regarding the state's capacity to respond to and recover from accidents involving railcars transporting oil. In conducting this study, Washington State University shall consider the potential near-term increase in the volume of oil being transported via rail through Washington as a result of proposed new or expanded oil refining and storage facilities. Washington State University shall seek the input of relevant stakeholders and other state agencies in carrying out this study.

(2) The study required under subsection (1) of this section must:

(a) Examine the current and projected prevalence of oil transportation by railcar through Washington communities;

(b) Make a preliminary identification of the communities at the greatest risk of an accident involving oil transportation by railcar;

(c) Examine, generally, the extent to which state and local emergency plans, oil spill contingency plans developed pursuant to chapter 90.56 RCW, and geographic response plans address this threat;

(d) Examine the roles and responsibilities of federal, state, local, and tribal entities in preparing for emergencies or oil spills;

(e) Determine whether adequate resources are available to respond to and recover from such an accident in a timely and effective manner; and

(f) Address the potential impacts to transportation networks and other critical infrastructure from an accident involving oil transported by railcar.

(3) Washington State University shall report its findings from the study to the appropriate committees of the legislature by December 1, 2014.

(4) This section expires June 30, 2015.

Sec. 5. RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter, except for rules adopted after July 1, 2014, that implement RCW 88.16.190, 88.16.195, 88.16.200, and section 12 of this act, for which the department of ecology may adopt rules as described in section 8 of this act;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

(e) Annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from

all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) If the department of ecology adopts rules after July 1, 2014, pursuant to subsection (1)(a) of this section, any rules previously adopted by the board pursuant to subsection (1)(a) of this section that implement RCW 88.16.190, 88.16.195, and 88.16.200 are no longer in effect as of the effective date of the rules adopted by the department of ecology.

(3) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

Sec. 6. RCW 88.16.170 and 1991 c 200 s 601 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river, Grays Harbor, and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Grays Harbor and Puget Sound and adjacent waters are ((a)) relatively confined salt water environments with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river, Grays Harbor, and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river, Grays Harbor, and on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ licensed pilots and to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters, and also in Grays Harbor and the Columbia river if deemed prudent by the department of ecology.

Sec. 7. RCW 88.16.190 and 1994 c 52 s 1 are each amended to read as follows:

~~(1) ((Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.~~

~~— (2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:~~

~~— (a) Shaft horsepower in the ratio of one horsepower to each two and one half deadweight tons; and~~

~~— (b) Twin screws; and~~

~~— (c) Double bottoms, underneath all oil and liquid cargo compartments; and~~

~~— (d) Two radars in working order and operating, one of which must be collision avoidance radar; and~~

~~— (e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners;~~

~~— PROVIDED, That, if such forty to one hundred and twenty five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That))~~ Except as provided in subsection (2) of this section, an oil tanker of greater than forty thousand deadweight tons may enter any of the waters in (a) of this subsection, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs in compliance with the requirements of subsection (3) of this section and section 8 of this act:

— (a) East of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, including but not limited to Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, Hood Canal, and those portions of the Strait of Juan de Fuca east of the line between New Dungeness light and Discovery Island light;

— (b) The department of ecology may designate the following additional areas by rule where tug escorts are required:

— (i) Within a two mile radius of the Grays Harbor pilotage district as defined by RCW 88.16.050;

— (ii) Within three miles of Cape Disappointment at the mouth of the Columbia river; or

— (iii) Any inland portion of the Columbia river up to Bonneville dam.

— (2)(a) If an oil tanker is in ballast, the tug requirements of subsection (1) of this section do not apply.

— (b) If an oil tanker is a single-hulled oil tanker of greater than five thousand gross tons, the requirements of subsection (1)(a) of this section do not apply and the oil tanker must instead comply with 33 C.F.R. Part 168, as of the effective date of this section.

— (3) Oil tankers of greater than forty thousand deadweight tons must ensure that any escort tugs they use have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker. The department of ecology may adopt rules to ensure that escort tugs have sufficient capacity for safe escort.

— (4) A tanker assigned a deadweight of less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 through 88.16.190.

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(5) For the purposes of this section, "oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug-barge tank vessel.

NEW SECTION. Sec. 8. A new section is added to chapter 88.16 RCW to read as follows:

(1)(a) Prior to adopting rules pursuant to this section, the department of ecology must seek the input of stakeholders including maritime safety forums such as the Puget Sound, Grays Harbor, and lower Columbia region harbor safety committees. Both prior to and in adopting rules pursuant to this section, the department of ecology must consider the net benefits to navigational safety of any new tug escort requirements. Both prior to and in adopting rules applicable to the area described in RCW 88.16.190(1)(a), the department of ecology must also consider the data and findings of the 2014 vessel traffic risk assessment completed under the direction of the Puget Sound partnership and maritime experts.

(b) Prior to adopting rules pursuant to this section, the department of ecology must submit a report to the legislature by December 1, 2014. The report must include a recommendation on the merits of establishing additional tug escort safeguards by rule pursuant to this section.

(c) Unless the 2015 legislature acts to repeal the department of ecology's rule-making authority based on the recommendations of the report, the department may adopt rules pursuant to this section.

(2) Beginning July 1, 2015, the department of ecology may adopt rules to require the escort of oil tankers by a tug or tugs in the areas listed in RCW 88.16.190(1).

(3) Beginning July 1, 2015, the department of ecology may adopt rules that require additional safeguards related to tanker escorts to address specific spill risks based on season, adverse weather conditions, the type of oil, as defined in RCW 90.56.010, being transported by the tanker, or geographic location. However, if an oil tanker is equipped with fully redundant systems, the department of ecology may not:

(a) Require escort by more than one tug; and

(b) Subject the oil tanker to any requirements adopted by rule under this subsection (3).

(4) In developing rules for Grays Harbor and the Columbia river, the department of ecology must recognize the differences between these areas and Puget Sound, including differences in the physical environment, vessel traffic, weather, and other relevant factors. The department of ecology must appropriately account for these unique local circumstances in any rules adopted pursuant to this section.

(5) The authority of the department of ecology to initiate rule making to adopt additional tug escort safety requirements pursuant to this section and RCW 88.16.190 expires January 1, 2020.

(6) For the purposes of this section, "redundant systems" includes, at minimum, all of the following features:

(a) A double hull;

(b) Two independent propellers each with a dedicated engine or motor, propulsion system, electrical system, fuel system, lube oil system, and any other system required to provide an independent means of propulsion;

(c) Two independent rudders, each with separate steering systems; and

(d) The arrangement of the propulsion and steering systems in (b) and (c) of this subsection such that a fire or flood in one space will not affect the equivalent system in the other space or spaces.

Sec. 9. RCW 88.16.200 and 2008 c 128 s 14 are each amended to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquefied natural or liquefied petroleum gas shall adhere to the

provisions of RCW 88.16.190((2)) and rules adopted under section 8 of this act as though it were an oil tanker.

Sec. 10. RCW 90.56.010 and 2007 c 347 s 6 are each amended to read as follows:

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

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means oil of any kind that is liquid at atmospheric temperature and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

(28) "Transmission pipeline" means an interstate or intrastate pipeline subject to regulation by the United States department of transportation under Part 195 of Title 49 of the code of federal regulations in effect as of January 1, 2014, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipes, pumping units, and fabricated assemblies associated with pumping units.

(29) "Type of oil" means crude oil or refined petroleum products including gasoline, diesel, jet fuel, fuel oils, blending components, and other petroleum products. Crude oil types must be specified by their distinct place of origin.

NEW SECTION. Sec. 11. A new section is added to chapter 90.56 RCW to read as follows:

(1) For the purposes of this section, "barge" means a vessel that is not self-propelled.

(2)(a) If an oil spill occurs involving a barge laden with oil towed by a tug in the following geographic areas and the department finds that the owner or operator of the tug has acted with recklessness or negligence, the tug owner or operator is subject to a penalty of between one thousand and one thousand five hundred dollars per gallon of oil discharged, to the extent that these waters are within the territorial boundaries of Washington:

(i) East of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, including but not limited to Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, Hood Canal, and those portions of the Strait of Juan de Fuca east of the line between New Dungeness light and Discovery Island light;

(ii) Within a two mile radius of the Grays Harbor pilotage district as defined by RCW 88.16.050;

(iii) Within three miles of Cape Disappointment at the mouth of the Columbia river; or

(iv) Any inland portion of the Columbia river.

(b) Regardless of whether the department makes a finding of recklessness or negligence under (a) of this subsection, the owner or operator of a tug is not subject to the penalties under (a) of this subsection if there were at least two individuals qualified by the United States coast guard in the control bridge of the tug for the duration of the voyage as recorded in the ship's log, one of whom was assigned to serve exclusively as lookout except during the docking of the vessel.

(c) The absence of a finding of recklessness or negligence by the department for purposes of the assessment of penalties under this subsection (2) may not be used as a defense to liability under RCW 9A.08.010 or other statutes or common law that establish standards for the determination of recklessness or negligence.

(3) The penalty assessed in subsection (2) of this section is in addition to any natural resource damages provided for under RCW 90.48.366 or 90.48.367 and any other penalties provided for under this chapter or chapter 90.48 or 88.46 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 88.16 RCW to read as follows:

The department of ecology may issue a penalty of up to ten thousand dollars a day for each violation of RCW 88.16.190 or 88.16.200 or rules adopted under section 8 of this act. Each violation is a separate and distinct offense, and in the case of a continuing violation, every day's continuance is a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation is considered a violation and subject to the penalty. The penalty amount must be set in consideration of the previous history of the violator and the severity of the violation's impact on public health, the environment, or both, in addition to other relevant factors. Penalties under this section shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

THIRTY THIRD DAY, FEBRUARY 14, 2014

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Sec. 13. RCW 43.21B.110 and 2013 c 291 s 33 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, section 11 of this act, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 14. RCW 43.21B.110 and 2013 c 291 s 34 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, section 11 of this act, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 15. RCW 43.21B.300 and 2010 c 210 s 12 and 2010 c 84 s 4 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.95.315, 70.105.080, 70.107.050, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 90.76 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in

which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account created by RCW 70.105.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 90.76.080, which shall be credited to the underground storage tank account created by RCW 90.76.100.

NEW SECTION. Sec. 16. Section 13 of this act expires June 30, 2019.

NEW SECTION. Sec. 17. Section 14 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 18. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 88.16.035, 88.16.170, 88.16.190, 88.16.200, 90.56.010, 43.21B.110, and 43.21B.110; adding new sections to chapter 90.56 RCW; adding new sections to chapter 88.16 RCW; creating new sections; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

Senators Rolfes, Billig, Chase, McCoy, Nelson and Frockt spoke in favor of adoption of the striking amendment.

Senators Ericksen and Baumgartner spoke against adoption of the striking amendment.

POINT OF ORDER

Senator Rolfes: "I believe the Senate is still working under Rule 29!"

REPLY BY THE PRESIDENT

President Owen: "And your point is?"

Senator Rolfes: "We just want to make sure that everybody is only speaking once on each point."

President Owen: "That would be a good point."

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

Senator Billig demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Sheldon spoke against adoption of the striking amendment.

Senator Fraser, Hasegawa, Keiser and Cleveland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rolfes to Second Substitute Senate Bill No. 6524.

THIRTY THIRD DAY, FEBRUARY 14, 2014

2014 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Rolfes and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Excused: Senators Liias and Ranker

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The state of Washington has a long history of leading in efforts to protect our natural environment while encouraging economic opportunities. Public safety, protection of the natural environment, and economic opportunities are goals shared by all Washingtonians.

(2) Liquid bulk crude oil spill prevention and response programs in Washington state, created through thoughtful cooperation and coordination between industry and the communities they serve, is a model to the rest of the nation and a model to the world. As modes of transport for various types of liquid bulk crude oil change and as the volume of liquid bulk crude oil transported through Washington changes, it is important that proactive steps are taken to ensure public safety and protection of natural resources.

(3) This act is intended to build upon strong and prudent plans currently in effect, identify areas that need further protections, and invest taxpayer funds today to increase safety and prevent spills.

(4) Prevention of crude oil spills is a top priority of the legislature. Providing first responders, local communities, and impacted parties with the tools to respond when spills do occur is in the vital interest of the citizens of Washington state.

NEW SECTION. Sec. 2. (1) The department of ecology, in consultation with the utilities and transportation commission, the federal railroad administration, and industry representatives, shall conduct a study on the safety of transporting crude oil in liquid bulk form by rail. The study must include:

(a) A review of:

(i) The federal, state, and local emergency response and prevention programs and activities for spills from railcars transporting liquid bulk crude oil with a focus on high hazard areas where emergency response equipment can be strategically placed for use by federal, state, regional, or local governments or other emergency responders;

(ii) The capacity of local jurisdictions to prevent and respond to liquid bulk crude oil spills;

(iii) The identification of weaknesses or gaps in federal, state, and local liquid bulk crude oil spill prevention and response; and

(iv) Federal regulations governing liquid bulk crude oil spill prevention and response for transport by rail;

(b) A survey of:

(i) Local government funding for emergency liquid bulk crude oil spill prevention and response programs;

(ii) Sources of funding, entities assessed, or contributions required by participants of emergency liquid bulk crude oil spill prevention and response programs; and

(iii) Regional or countywide cooperative agreements implementing liquid bulk crude oil spill prevention and response programs;

(c) Recommendations for legislative consideration on at least the following:

(i) Levels of funding and sources of funding for emergency liquid bulk crude oil spill prevention and response programs;

(ii) Participants that should be included in an emergency liquid bulk crude oil spill prevention and response program and the amount these participants should be assessed;

(iii) Appropriate use of funds such as: Liquid bulk crude oil spill response, equipment, training, or other benefits to those who are assessed;

(iv) Cooperative regional or countywide agreements to meet emergency oil and liquid bulk crude oil spill prevention and response program needs, while maintaining an individual organization's distinct purpose; and

(v) Methods to increase cooperation and coordination among organizations responding to oil and liquid bulk crude oil spills, including:

(A) Sharing resources or mutual aid between terrestrial and on-water liquid bulk crude oil spill emergencies; and

(B) Communication to ensure a common understanding of the potential threat from liquid bulk crude oil spills; and

(d) A report on the status and progress of federal rule making for rail tank car safety requirements including model, age, modifications, and upgrades.

(2) The department of ecology must provide: (a) A preliminary evaluation on the status of the safety of transporting liquid bulk crude oil in the state and include recommendations for near-term legislative action to address needs identified in the review as required under subsection (1)(a)(i) of this section, to the relevant policy and fiscal committees of the senate and house of representatives by December 31, 2014; and (b) using the study and reviews conducted under this section, a final report regarding the safety of the transport of liquid bulk crude oil, as well as recommendations for policy, budget needs, or legislation to the relevant policy and fiscal committees of the senate and house of representatives by December 31, 2015.

NEW SECTION. Sec. 3. The department of ecology shall provide an analysis on the safety of transporting liquid bulk crude oil on waters of the state.

(1) The analysis must include:

(a) The capacity to address risks posed by increased waterborne traffic of liquid bulk crude oil;

(b) Weaknesses or gaps in liquid bulk crude oil spill prevention and response programs, including identification of programs that are not complete or need to be more robust, with a focus on Grays Harbor and the Columbia river; and

(c) Barge and tug operations within the state related to the movement of liquid bulk crude oil; and

(d) A status report on the federal, state, and local waterborne liquid bulk crude oil spill prevention and preparedness.

(2) The department of ecology must provide to the relevant policy and fiscal committees of the senate and house of representatives by December 31, 2014, a status report on waterborne liquid bulk crude oil spill prevention and preparedness; recommendations for Grays Harbor and the Columbia river crude oil spill prevention and preparedness; and an analysis of barge and tug liquid bulk crude oil operations, and safety gaps or weaknesses in liquid bulk crude oil spill prevention and response programs and area or regional efforts.

Sec. 4. RCW 90.56.250 and 1991 c 200 s 205 are each amended to read as follows:

(1) The department shall annually publish an index of available, up-to-date descriptions of prevention plans and contingency plans for oil spills submitted and approved pursuant to RCW 90.56.200, 90.56.210, 88.46.040, and 88.46.060 and an inventory of equipment available for responding to such spills.

(2) The department shall make available on its web site: (a) Descriptions of prevention and contingency programs for liquid bulk crude oil spills; (b) descriptions of how the department is responding to or has addressed public concerns regarding liquid bulk crude oil spill prevention and response; and (c) in the event of a liquid bulk crude oil spill, information and updates regarding all efforts taken to clean up the spill, in consultation with and in agreement with the unified command, if applicable. The department may not make available on its web site specific plan elements or confidential information.

NEW SECTION. Sec. 5. A new section is added to chapter 90.56 RCW to read as follows:

(1) The department must provide to the relevant policy and fiscal committees of the senate and house of representatives:

(a) A review of all state and federal geographic response plans as needed in contingency plans required under RCW 90.56.210 and 88.46.060 by December 31, 2014; and

(b) Annual updates, beginning December 31, 2015, and ending December 31, 2021, as required under RCW 43.01.036, as to the progress made in completing state and federal geographic response plans as needed in contingency plans required under RCW 90.56.060, 90.56.210, and 88.46.060.

(2) The department must contract, if practicable, with eligible independent third parties to ensure completion by December 1, 2016, of at least fifty percent of the geographic response plans as needed in contingency plans required under RCW 90.56.210 and 88.46.060 for the state.

NEW SECTION. Sec. 6. A new section is added to chapter 90.56 RCW to read as follows:

(1) The owner or operator for each facility other than a transmission pipeline shall submit to the department data and information on the volume and type of crude oil that arrived at and departed from the facility each month, including the place of origin of the crude oil, the mode of arrival and departure at the facility including, but not limited to, arrival by vessel, rail, or pipeline.

(2)(a) Any person required to present information to the department pursuant to subsection (1) of this section may request that specific information be held in confidence. Information requested to be held in confidence is presumed to be confidential.

(b) Information presented to the department pursuant to subsection (1) of this section must be held in confidence by the department or aggregated to the extent necessary to ensure confidentiality if public disclosure of the specific information or data would result in an unfair competitive disadvantage to the person supplying the information.

(c)(i) Whenever the department receives a request to publicly disclose unaggregated information or otherwise proposes to publicly disclose information submitted pursuant to subsection (1) of this section, notice of the request or proposal must be provided to the person submitting the information. The notice must indicate the form in which the information is to be released. Upon receipt of notice, the person submitting the information has ten working days in which to respond to the notice to justify the claim of confidentiality on each specific item of information covered by the notice on the basis that public disclosure of the specific information would result in an unfair competitive disadvantage to the person supplying the information.

(ii) The department shall consider the respondent's submittal in determining whether to publicly disclose the information submitted

to it to which a claim of confidentiality is made. The department shall issue a written decision that sets forth its reasons for making the determination whether each item of information for which a claim of confidentiality is made remains confidential or must be publicly disclosed.

(iii) The department shall not publicly disclose information submitted to it pursuant to subsection (1) of this section within ten working days after the department has issued its written decision required in (c)(ii) of this subsection.

(iv) No information submitted to the department pursuant to subsection (1) of this section may be deemed confidential if the person submitting the information or data has made it public.

(v) With respect to information provided under subsection (1) of this section, neither the department nor any employee of the department may do any of the following:

(A) Use the information for any purpose other than the statistical purposes for which it is supplied;

(B) Make any publication whereby the information furnished by any particular establishment or individual can be identified; or

(C) Permit anyone other than department employees to examine the individual reports provided under subsection (1) of this section.

(d) Any confidential information pertinent to the responsibilities of the department that is obtained by another state agency must be available to the department and must be treated in a confidential manner.

NEW SECTION. Sec. 7. The department of ecology and the utilities and transportation commission shall jointly hold a symposium on emergency prevention and response activities for liquid bulk crude oil transported in the Pacific Northwest region. The department of ecology and the utilities and transportation commission must invite state representatives from the Pacific Northwest economic region authorized under chapter 43.147 RCW and representatives from interested tribes and local governments. The symposium must include representatives from neighboring states, territories, and countries. The symposium must at a minimum address:

(1) Cooperative emergency prevention and response activities between the shared international and state borders;

(2) Expected risks posed by increased transport of Canadian crude oil or liquid bulk crude oil throughout the Pacific Northwest region within the next three to five years;

(3) Changes in methods for transporting liquid bulk crude oil and associated risks;

(4) Identification of responsible agencies and corresponding activities that can be taken to address expected risks; and

(5) Consideration of new or emerging technologies to make transport safer.

NEW SECTION. Sec. 8. (1) The department of ecology shall provide grants to emergency responders to assist with oil spill response and firefighting equipment and resources needed to meet the requirements of this act.

(2) The department of ecology, in consultation with emergency first responders, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall review grant applications.

(a) The application review must include evaluation of equipment and resource requests, funding requirements, and coordination with existing equipment and resources in the area.

(b) Funding must be prioritized for applicants from areas where liquid bulk crude oil is transferred from one mode of transportation to another.

(c) Grants must be coordinated to maximize currently existing equipment and resources that have been put in place by first responders and industry.

NEW SECTION. Sec. 9. This act may be known and cited as the spill prevention and response act."

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MOTION

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

On page 7, after line 21 of the amendment, insert the following:

"Sec. 9. RCW 82.23B.010 and 1992 c 73 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Bulk oil terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil to or from a rail tank car.

(3) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

~~((3))~~ (4) "Department" means the department of revenue.

~~((4))~~ (5) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

~~((5))~~ (6) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

~~((6))~~ (7) "Person" has the meaning provided in RCW 82.04.030.

~~((7))~~ (8) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

~~((8))~~ (9) "Tank car" means a rail car, the body of which consists of a tank for transporting liquids.

(10) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal in this state from a waterborne vessel or barge and who is liable for the taxes imposed by this chapter.

~~((9))~~ (11) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

Sec. 10. RCW 82.23B.020 and 2006 c 256 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; and (b) crude oil at a bulk oil terminal within this state from a rail tank car. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk terminal from a rail tank car or waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; and (b) crude oil at a bulk oil terminal

within this state from a rail tank car. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a rail tank car or waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter ~~((shall))~~ must be collected by the marine or bulk oil terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the ~~((imposition of the))~~ taxes imposed, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she ~~((shall))~~, nevertheless, ~~((be))~~ is personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine or bulk oil terminal operator ~~((shall))~~ must relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter ~~((shall))~~ must be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected ~~((shall be))~~ is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected ~~((shall))~~ must be stated separately from other charges made by the marine or bulk oil terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes ~~((shall be))~~ are due from the marine or bulk oil terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine or bulk oil terminal operator or to the department, ~~((shall))~~ constitute a debt from the taxpayer to the marine or bulk oil terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter ~~((, shall be))~~ is guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department ~~((shall))~~ must give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department ~~((shall))~~ must provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator ~~((shall))~~ must relieve the marine or bulk oil terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section ~~((shall))~~ must be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management ~~((shall))~~ must determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and ~~((shall))~~ may not be

used to challenge the validity of any tax imposed under this chapter. The office of financial management (~~(shall)~~) must promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

Sec. 11. RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read as follows:

The taxes imposed under this chapter (~~(shall)~~) only apply to the first receipt of crude oil or petroleum products at a marine or bulk oil terminal in this state and not to the later transporting and subsequent receipt of the same oil or petroleum product, whether in the form originally received at a marine or bulk oil terminal in this state or after refining or other processing.

Sec. 12. RCW 82.23B.040 and 1992 c 73 s 10 are each amended to read as follows:

Credit (~~(shall)~~) must be allowed against the taxes imposed under this chapter for any crude oil or petroleum products received at a marine or bulk oil terminal and subsequently exported from or sold for export from the state." Renumber the remaining section consecutively and correct any internal references accordingly. On page 7, line 26 of the title amendment, after "crude oil;" strike all material through "sections." on line 27 and insert "amending RCW 90.56.250, 82.23B.010, 82.23B.020, 82.23B.030, and 82.23B.040; adding new sections to chapter 90.56 RCW; and creating new sections."

Senators Rolfes, McCoy and Chase spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Kline spoke on the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 7, after line 21 to the striking amendment to Second Substitute Senate Bill No. 6524.

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

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen to Second Substitute Senate Bill No. 6524.

The motion by Senator Ericksen carried and the striking amendment was adopted by a rising vote.

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the safety of the transport of liquid bulk crude oil; amending RCW 90.56.250; adding new sections to chapter 90.56 RCW; and creating new section."

MOTION

Senator Ericksen moved that the rules be suspended, Second Substitute Senate Bill No. 6524 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Rolfes objected to the motion.

The President declared the question before the Senate to be the motion by Senator Ericksen to advance the bill to final passage.

The motion by Senator Ericksen failed on a voice vote.

MOTION

On motion of Senator Fain, further consideration of Second Substitute Senate Bill No. 6524 was deferred and the bill held its place on the calendar.

SECOND READING

SENATE BILL NO. 6181, by Senators Braun, Angel, Bailey, Rivers, Becker and Honeyford

Concerning child care subsidies and child support enforcement services.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6181 was substituted for Senate Bill No. 6181 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.215.135 and 2013 c 323 s 9 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) The department shall establish and implement policies to train staff on child care subsidy fraud, including:

(a) Methods to detect suspected child care subsidy fraud;

(b) The department's procedures for reporting suspected child care subsidy fraud to the office of fraud and accountability; and

(c) The office of fraud and accountability's procedures for reporting child care subsidy fraud anonymously.

(3) To incentivize a working connections child care subsidy applicant or recipient to seek child support enforcement services from the department of social and health services, division of child support, the department of social and health services shall waive the child care copayment for one month for applicants or recipients who seek child support enforcement services for the first time and have not already done so as required by other public assistance programs.

(4) Beginning in fiscal year 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. Seeking child support enforcement services for the first time under subsection (3) constitutes a change in circumstances. The twelve-month

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certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

very special Valentine I would like to share with you and members of the Senate?"

~~((3-))~~ (5) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for enrolling in level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within thirty months in order to maintain this increase.

REPLY BY THE PRESIDENT

President Owen: "Senator McAuliffe."

Senators Hargrove and Braun spoke in favor of adoption of the striking amendment.

PERSONAL PRIVILEGE

Senator McAuliffe "[Senator McAuliffe held an open electronic Valentine's Day card to the microphone which played a portion of "Still the one" by Orleans.] Thank you Mr. President."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Substitute Senate Bill No. 6181.

REPLY BY THE PRESIDENT

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

President Owen: "What?"

MOTION

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Braun and Darneille spoke in favor of passage of the bill.

MESSAGE FROM THE HOUSE

February 13, 2014

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6181.

ROLL CALL

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2368, and the same is herewith transmitted.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

BARBARA BAKER, Chief Clerk

MOTION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

At 4:40 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Monday, February 17, 2014.

BRAD OWEN, President of the Senate

Excused: Senators Liias and Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6181, 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.

HUNTER G. GOODMAN, Secretary of the Senate

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. Well, today we recognize as a very special day. It is Valentine's Day. I have a

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