
TENTH DAY

House Chamber, Olympia, Wednesday, January 23, 2013

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

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

INTRODUCTIONS AND FIRST READING

HB 1305 by Representatives Hope, Moscoso, Klippert, Hayes, Takko, Pettigrew and Sells

AN ACT Relating to vehicle prowling; amending RCW 9A.52.100; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 1306 by Representatives Wylie, Moeller, Harris, Pike, Johnson, Chandler and Sells

AN ACT Relating to extending the expiration dates of the local infrastructure financing tool program; amending RCW 39.102.904 and 82.14.475; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 1307 by Representatives Goodman, Lytton, Wylie, Jinkins and Cody

AN ACT Relating to sexual assault protection orders; amending RCW 7.90.040, 7.90.050, 7.90.120, 7.90.140, and 7.90.170; adding new sections to chapter 7.90 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1308 by Representatives Kirby, Harris, Blake, Klippert, Goodman, Rodne and Takko

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.635.

Referred to Committee on Judiciary.

HB 1309 by Representatives Upthegrove, Short, Magendanz, Nealey, Morris, Walsh, Takko, McCoy and Liias

AN ACT Relating to directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate; and amending RCW 70.93.020, 70.93.180, and 70.93.200.

Referred to Committee on Environment.

HB 1310 by Representatives Fitzgibbon, Rodne, Morris, Liias, Chandler, Nealey, Walsh, Springer, Magendanz, Hunt, Appleton, Cody, Jinkins and Tharinger

AN ACT Relating to reducing the littering of retail carryout bags; adding a new section to chapter 70.93 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; and prescribing penalties.

Referred to Committee on Environment.

HB 1311 by Representatives Chandler and Sells

AN ACT Relating to making coverage of certain maritime service elective for purposes of unemployment compensation; amending RCW 50.24.160 and 50.04.170; and creating a new section.

Referred to Committee on Labor & Workforce Development.

HB 1312 by Representatives Wylie, Hunt, Takko, Roberts and Fitzgibbon

AN ACT Relating to transparency, accountability, and uniformity for county treasurers; and adding new sections to chapter 36.29 RCW.

Referred to Committee on Local Government.

HB 1313 by Representatives Jinkins, Farrell, Morrell, Green, Dunshee, Lytton, Sawyer, Sells, Fitzgibbon, Riccelli and Moeller

AN ACT Relating to establishing minimum standards for sick and safe leave from employment; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor & Workforce Development.

HB 1314 by Representatives Green, O'Ban, Zeiger, Fey and Upthegrove

AN ACT Relating to municipally produced class A biosolids; reenacting and amending RCW 15.54.270; and providing an effective date.

Referred to Committee on Environment.

HB 1315 by Representatives Hayes, Pettigrew, Van De Wege, Hurst, Hope, Dahlquist, Ormsby, Goodman, Chandler, Nealey, Scott, Pike, Holy, Parker, O'Ban and Riccelli

AN ACT Relating to providing funding to continue standardized or mandatory criminal justice training associated with the criminal justice training commission; amending RCW 46.63.110; adding a new section to chapter 43.101 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1316 by Representatives Springer, Manweller, Roberts, Condotta and Clibborn

AN ACT Relating to independent medical exam and consultation and vocational rehabilitation assessment scheduling authority for qualified retrospective rating plan employers and groups; amending RCW 51.04.1101; and adding a new section to chapter 51.18 RCW.

Referred to Committee on Labor & Workforce Development.

HB 1317 by Representatives Taylor, Shea and Overstreet

AN ACT Relating to elections pertaining to poll-site voting and voting identification requirements; amending RCW 29A.32.241, 29A.40.010, and 29A.40.160; adding a new section to chapter 29A.40 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on Government Operations & Elections.

HB 1318 by Representatives Taylor, Blake, Shea and Overstreet

AN ACT Relating to concealed pistol license renewal notices; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 1319 by Representatives Johnson, McCoy, Ross, Hunt, Rodne, Orwall, Green, Jinkins, Upthegrove, Chandler, Orcutt, Pedersen, Vick, Roberts, Alexander, Klippert, Holy, Short, Morrell, Smith, Buys, Kochmar, Lias and Moeller

AN ACT Relating to recognizing a welcome home Vietnam veterans day; and amending RCW 1.16.050 and 1.20.017.

Referred to Committee on Government Operations & Elections.

HB 1320 by Representatives Zeiger, Seaquist, Haler and Pollet

AN ACT Relating to an online higher education transfer and student advising system; and adding a new section to chapter 28B.77 RCW.

Referred to Committee on Higher Education.

HB 1321 by Representatives Jinkins, Cody, Green, McCoy and Moeller

AN ACT Relating to the establishment of food and beverage provision and service policies; and adding a new chapter to Title 70 RCW.

Referred to Committee on Government Operations & Elections.

HB 1322 by Representatives Seaquist, Kretz, Sells, Springer and Walsh

AN ACT Relating to allowing nonprofit institutions recognized by the state of Washington to be eligible to participate in the state need grant program; amending RCW 28B.92.030, 28B.105.020, 28B.133.010, 28B.133.050, and 43.88C.010; and providing an effective date.

Referred to Committee on Higher Education.

HB 1323 by Representatives Lytton, Morris, Blake and Takko

AN ACT Relating to the sea cucumber dive fishery; and amending RCW 77.70.190, 82.27.020, and 82.27.070.

Referred to Committee on Agriculture & Natural Resources.

HB 1324 by Representatives Fitzgibbon, Springer, Upthegrove, Ryu, Dahlquist, Maxwell, Kochmar and Hargrove

AN ACT Relating to transferring ferry and flood control zone district functions and taxing authorities to county legislative authorities in counties with a population of one million five hundred thousand or more; and adding new chapters to Title 36 RCW.

Referred to Committee on Local Government.

HB 1325 by Representatives Ryu and Kirby

AN ACT Relating to banks, trust companies, savings banks, and savings associations, and making technical amendments to the laws governing the department of financial institutions; amending RCW 30.04.010, 30.04.070, 30.04.111, 30.04.215, 30.04.217, 30.04.240, 30.04.260, 30.04.280, 30.08.140, 30.08.140, 30.08.155, 30.38.010, 30.38.015, 30.46.020, 30.46.030, 30.46.040, 30.46.050, 30.46.060, 30.46.070, 30.46.080, 30.46.090, 32.04.030, 32.08.140, 32.08.140, 32.08.142, 32.08.153, 32.50.030, 33.12.012, 33.24.010, and 33.32.060; amending 2011 c 303 s 9 (uncodified); adding a new section to chapter 32.04 RCW; repealing RCW 30.08.095, 32.08.146, 32.08.155, and 32.08.1551; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Business & Financial Services.

HB 1326 by Representatives Ryu and Kirby

AN ACT Relating to making technical corrections and updating licensing and enforcement provisions of the consumer loan act; and amending RCW 31.04.015, 31.04.025, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.105, 31.04.155, 31.04.221, 31.04.290, 31.04.293, and 31.04.297.

Referred to Committee on Business & Financial Services.

HB 1327 by Representatives Kirby, Ryu and Santos

AN ACT Relating to licensing and enforcement provisions applicable to money transmitters; amending RCW 19.230.020, 19.230.040, 19.230.110, 19.230.120, 19.230.150, 19.230.200, and 19.230.310; reenacting and amending RCW

19.230.010; and adding a new section to chapter 19.230 RCW.

Referred to Committee on Business & Financial Services.

HB 1328 by Representatives Kirby and Ryu

AN ACT Relating to the department of financial institutions' regulation of mortgage brokers and clarifying the department's existing regulatory authority regarding residential mortgage loan modification services; and amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.060, 19.146.220, 19.146.240, and 19.146.228.

Referred to Committee on Business & Financial Services.

HB 1329 by Representatives Moeller, Alexander, Blake, Springer, Seaquist, Clibborn, Nealey, Orcutt, Vick and Kochmar

AN ACT Relating to creating a sales tax holiday for back-to-school clothing and supplies; amending RCW 82.12.040; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1330 by Representatives Moeller, Harris, Green, Cody, Tharinger and Pettigrew

AN ACT Relating to allowing dental hygienists and dental assistants to provide certain services under the supervision of a dentist; amending RCW 18.29.050, 18.29.056, and 18.260.040; and adding a new section to chapter 18.29 RCW.

Referred to Committee on Health Care & Wellness.

HB 1331 by Representatives Riccelli, Zeiger, Tarleton, Seaquist, Buys, Sawyer, Tharinger, Stonier, Bergquist, Liias, Upthegrove, Freeman and Farrell

AN ACT Relating to formation of student advisory committees at four-year institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1332 by Representatives Kirby, Condotta, Hunt, Alexander, Takko, Manweller, Hurst, Shea and Blake

AN ACT Relating to limited on-premise spirits sampling; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Government Accountability & Oversight.

HB 1333 by Representatives Pettigrew, Walsh, Pollet, Kagi, Green and Reykdal

AN ACT Relating to restoring payment rates for community residential providers and annually adjusting payment rates for community residential providers by the rate of inflation; adding a new section to chapter 71A.12 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1334 by Representatives Shea, Taylor, MacEwen, Schmick, Holy, Short, Kagi, Orcutt, Overstreet, Rodne, Klippert and Hargrove

AN ACT Relating to conversion kits on motorcycles; amending RCW 46.04.330; reenacting and amending RCW 46.81A.010; and creating a new section.

Referred to Committee on Transportation.

HB 1335 by Representatives Shea, Rodne, Overstreet and Kristiansen

AN ACT Relating to the Washington State Bar Association; adding new sections to chapter 2.44 RCW; creating a new section; recodifying RCW 2.48.180, 2.48.190, and 2.48.200; and repealing RCW 2.48.010, 2.48.020, 2.48.021, 2.48.030, 2.48.035, 2.48.040, 2.48.050, 2.48.060, 2.48.070, 2.48.080, 2.48.090, 2.48.100, 2.48.110, 2.48.130, 2.48.140, 2.48.150, 2.48.160, 2.48.165, 2.48.166, 2.48.170, 2.48.210, 2.48.220, and 2.48.230.

Referred to Committee on Judiciary.

HB 1336 by Representatives Orwall, Dahlquist, Pettigrew, Cody, Walsh, Green, Appleton, Freeman, Fitzgibbon, Hunt, Stonier, Kagi, Maxwell, Goodman, Moscoso, Roberts, Reykdal, Lytton, Santos and Fagan

AN ACT Relating to increasing the capacity of school districts to recognize and respond to troubled youth; amending RCW 28A.410.035; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; and creating new sections.

Referred to Committee on Education.

HB 1337 by Representatives Kretz, Blake and Short

AN ACT Relating to conditioning the classification of the gray wolf by the fish and wildlife commission; amending RCW 77.12.020; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1338 by Representatives Roberts, Moscoso, Pettigrew, Pedersen, Clibborn, Wylie, Jinkins, Kagi, Hunt, Springer, Farrell, Appleton, McCoy, Walsh and Moeller

AN ACT Relating to juveniles sentenced to long terms of incarceration; amending RCW 9.94A.540, 9.94A.6332, 9.94A.729, 9.95.425, 9.95.430, 9.95.435, 9.95.440, and 10.95.030; adding a new section to chapter 9.94A RCW; adding a new section to chapter 10.95 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety.

HB 1339 by Representatives Tharinger, Angel, Cody, Harris, Jinkins and Green

AN ACT Relating to East Asian medicine practitioners; and amending RCW 18.06.010 and 18.06.140.

Referred to Committee on Health Care & Wellness.

HB 1340 by Representative Kirby

AN ACT Relating to debt management services; amending RCW 18.100.140, 18.118.020, 19.230.350, 19.230.360, and 42.56.270; reenacting and amending RCW 42.56.230; adding a new chapter to Title 18 RCW; repealing RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140, 18.28.150, 18.28.165, 18.28.180, 18.28.185, 18.28.190, 18.28.200, 18.28.210, 18.28.220, 18.28.900, and 18.28.910; prescribing penalties; and providing an effective date.

Referred to Committee on Business & Financial Services.

HB 1341 by Representatives Orwall, Goodman, Pollet, Jinkins, Carlyle, Roberts, Appleton, Hunt, Upthegrove, Green, Kagi, Seaquist, Moeller and Kirby

AN ACT Relating to creating a claim for compensation for wrongful conviction and imprisonment; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 4 RCW.

Referred to Committee on Judiciary.

HB 1342 by Representatives Walsh, Kagi, Johnson, Goodman, Sawyer, Orwall, Farrell, Roberts and Freeman

AN ACT Relating to the definition of work activity for the purposes of the WorkFirst program; and amending RCW 74.08A.250.

Referred to Committee on Early Learning & Human Services.

HB 1343 by Representatives Cody, Johnson, Moeller, Walsh, Morrell, Schmick and Green

AN ACT Relating to the additional surcharge imposed on registered nurses and licensed practical nurses; amending RCW 43.70.110 and 43.70.250; and repealing RCW 18.79.2021.

Referred to Committee on Appropriations Subcommittee on Health & Human Services.

HB 1344 by Representatives Cody, Johnson, Moeller, Walsh, Morrell, Schmick and Green

Authorizing occupational therapists to participate in online access to the University of Washington health sciences library.

Referred to Committee on Health Care & Wellness.

HB 1345 by Representatives Hayes, O'Ban and Hope

AN ACT Relating to access to K-12 campuses for occupational or educational information; and amending RCW 28A.230.180.

Referred to Committee on Education.

HB 1346 by Representatives Manweller, Condotta and Shea

AN ACT Relating to tipped employee wages and benefits; amending RCW 49.46.020; reenacting and amending RCW 49.46.010; adding a new section to chapter 49.46 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workforce Development.

HB 1347 by Representatives Short, Takko, Kretz, Kristiansen, Klippert, Pike, Haler, Angel, Harris, Smith, Hayes, Magendanz, Vick, Buys, Schmick and Holy

AN ACT Relating to allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act; amending RCW 19.285.040; and reenacting and amending RCW 19.285.030.

Referred to Committee on Environment.

HJR 4205 by Representatives Shea, Rodne, Overstreet and Kristiansen

Requiring that all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and administration of justice reside exclusively in the supreme court.

Referred to Committee on Judiciary.

There being no objection, the bills and joint resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4400
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HOUSE CONCURRENT RESOLUTION NO. 4402

The Sergeant at Arms of the Senate announced the arrival of the members of the House of Representatives at the Senate Chamber doors. The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Deputy Speaker Pro Tempore of the House, the Honorable Tina Orwall, House Majority Floor Leader Tami Green and House Assistant Republican Floor Leader Matt Shea to seats on the rostrum. The members of the House of Representatives were invited to seats within the Chamber.

JOINT SESSION

The President called the Joint Session to order. The Secretary called the roll of the members of the House of Representatives.

The Secretary called the roll of the members of the Senate. The President declared that a quorum of the Legislature was present.

REMARKS BY THE PRESIDENT

President Owen: “This joint session has been convened to receive the State of the Judiciary message from the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court.”

The President appointed a committee of honor to escort the Justices of the State Supreme Court to the Senate Chamber: Representatives Holy and Stonier; and Senators Frockt and Pearson.

The President appointed a committee of honor to escort the statewide elected official to the Senate Chamber: Representatives Farrell and Scott; and Senators Bailey and Nelson.

The President appointed a committee of honor to advise the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court, that the joint session had assembled and to escort her to the Senate Chamber: Representatives Goodman and Nealey; and Senators Chase and Padden.

The Sergeant at Arms of the Senate announced the arrival of the Justices of the State Supreme Court at the Chamber doors. The committee of honor escorted the Justices of the State Supreme Court to the front of the Chamber and they were introduced: Justice Charles W. Johnson, Justice Susan Owens, Justice Mary E. Fairhurst, Justice Debra L. Stephens, Justice Charlie K. Wiggins, Justice Steven Gonzalez and Justice Sheryl Gordon McCloud.

The Sergeant at Arms of the Senate announced the arrival of the statewide elected official at the Chamber doors. The committee of honor escorted statewide elected official to the front of the Chamber and he was introduced: State Auditor Troy Kelley.

The Sergeant at Arms of the Senate announced the arrival of the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court, at the Chamber doors. The committee of honor escorted the Honorable Barbara Madsen, Chief Justice of the Washington State Supreme Court, to the rostrum of the Senate.

The Washington State Patrol Honor Guard consisting of Lieutenant Mike Turcott and Sergeant Ted DeHart presented the Colors. The President led the Joint Session in the Pledge of Allegiance. The Washington State Patrol Honor Guard retired from the Chamber. The prayer was offered by Rabbi Seth Goldstein of Temple Beth Hatfiloh, Olympia.

Rabbi Seth Goldstein: “Source of all Life and Blessing: We ask that your blessing descend upon this body. May all those who assemble here be endowed with a mind of wisdom and a heart of compassion. May the spirit of goodness fill their souls, and may they continue to see one another, and the people they serve as full, whole human beings, created in the divine image and worthy of love and respect. And on this day when we focus on the judiciary, we ask for blessing not only for those who are charged with making the laws, but those who are charged with their interpretation and application. May all those who serve in the judiciary be blessed with a sense of fairness and justice, of equality and service, of righteousness and peace. We are mindful of that universal charge we find in Scripture, in the book of Deuteronomy: tzedek tzedek tirdof—justice, justice shall you pursue. It is asked,

why is the word “Justice” repeated? One interpretation is that first this verse teaches our desired outcome is justice—justice must be the goal of a well ordered society. The repetition of the word implies that not only must our goal be justice, but the path to justice—the process by which we achieve justice in our society—must also be just. We are blessed that our system of government allows for the separation of powers, provides for the orderly execution of justice and establishes a dynamic system of legal interpretation. May this continue to be so. And may all those who serve the public good in any capacity from any place. Find favor in Your eyes and may the work of their hands benefitting the people of our state and country long endure. Amen.”

The President welcomed and introduced the Honorable Barbara Madsen, Chief Justice of the State Supreme Court.

STATE OF THE JUDICIARY

Chief Justice Barbara Madsen: “Thank you Mr. President, Speaker Chopp, Governor Inslee, elected officials, members of the House and Senate, fellow justices and judges, Rabbi Goldstein, ladies, and gentlemen. Let me add my welcome to all of the new legislators and to those of you who have changed houses. I had the chance to meet many of you over the past few weeks at the dinners sponsored by our Board for Judicial Administration—the BJA—at our Temple of Justice birthday party, at the inaugural ball, or swearing you in. For those I have not met, I look forward to meeting you as we go through this legislative session. Whatever the occasion, I believe that time spent getting to know one another is time well spent.

I am honored to be here today, along with my colleagues on the Washington Supreme Court, to deliver this report on the state of Washington's judiciary. As many of you know, our court system operates through a system of trial courts and appellate courts. Many of the leaders of our court associations are with us today, in the gallery. I would like to take a moment to introduce them: Presiding Chief Judge Christine Quinn-Brintnall from the Court of Appeals, Division Two in Tacoma; Benton/Franklin County Superior Court Judge Craig Matheson, president of the Superior Court Judges' Association of Washington; and Judge Sara Derr from Spokane County District Court, president of the District and Municipal Court Judges' Association. These judges are joined by members of the Board for Judicial Administration, the policy-setting board for the courts. I am very proud of these judges and the people they represent who work in our court system. We also have the administrative heads of our three agencies with us today: The Washington State Court administrator who heads the Administrative Office of the Courts, Callie Dietz; the executive director of the Office of Civil Legal Aid, Jim Bamberger; and the director for the Office of Public Defense, Joanne Moore. It is no secret that we are experiencing very challenging times in our state and in our nation. I have not spoken to anyone who is predicting that you will have an easy session this year. I think you will be spending long days and many nights in Olympia.

As the spokesperson for the courts, I also feel a great weight on my shoulders. Even in the best of times, our divided government requires careful leadership in each branch. As you begin this legislative session, I know that many of you are thinking about the issue of divided government. The gray areas at the edges of our respective powers can give rise to debate and even disagreement about the areas of authority in which each of our branches operate. Such debate and disagreement is healthy—indeed I think this is a part of the checks and balances that our founders intended. Even in a divided government, the branches are meant to work together. As many of you know, this is the 100th anniversary of the Temple of Justice. The temple, which is home to the

Supreme Court, was the first building on the capitol campus. If you look at the campus from Budd Inlet, you will see that the temple appears to blend into the capitol building-and together the temple and the capitol are covered by one capitol dome. In designing the capitol group in this way, the architects were attempting to reflect the reality that the three branches together make a single government. As with the legislature and the governor, the judiciary has its role to play. I want to assure all of you that the courts are committed to working with you on matters of common interest and concern within the limits of our branch's authority.

Unlike the legislature and the governor, our courts generally operate under the radar screen. More than two million individual civil and criminal cases are filed every year in our trial courts. Thousands are decided in our appellate courts each year. We have one constitutional duty. That is to fairly, effectively, and timely adjudicate the civil and criminal disputes that come before us. At a judge's swearing-in a few weeks ago, I heard a story from John Ladenburg, formerly the Pierce County executive. John was in China on a trade mission along with Microsoft, Amazon, and other U.S. companies. According to John, one of the delegates asked a Chinese government minister what he thought was needed to attract new businesses to China. His answer-lawyers. You may laugh-just as the Washington team did. But when they laughed the minister became angry. He said, "Without lawyers there are no courts; without courts, there is no legal system. Without a legal system there is no protection; there are no commercial laws-you do not even understand the advantage you have in your country-you have the rule of law. Your courts protect people and their property. That makes all the difference." Lest you think I am claiming all the credit for the courts-I believe that it is the legislature, the executive, and the courts-working together-that provide the kind of environment that is necessary for individuals and businesses to grow and prosper. Even with its flaws, our system is the envy of the world.

We know that the law is complex. Cases are complex. And disagreements are predictable. Cases like McCleary, that address school funding, and the pending case of League of Education Voters, which involves a challenge to restrictions on the power of the legislature to tax, will always provoke controversy. That comes with the constitutional responsibility placed on courts. But, it's how we work together to meet the very complex and difficult challenges that will determine the future for the public that we all serve. Last week, we heard comments from outgoing Governor Gregoire and newly elected Governor Inslee. Though their plans for meeting the future differed-the common theme was the same-we are all facing significant challenges- maybe now more than ever as year upon year of economic difficulties continue. I recently learned that the Chinese symbol for crisis is a combination of two concepts-opportunity and danger. The opportunity is to redefine how we deliver services to the public. The danger is in failing to adapt.

The extensive budget cuts of the past four years have required the courts to become creative and to be innovators-and we're committed to continue looking for new, efficient processes to help us fulfill our responsibility to deliver justice. Though being chief justice carries challenges, the position also gives me a bird's eye view of the tremendous job that our courts are doing to innovate in these tough budget times. I want to mention just a few of these creative solutions: At the Administrative Office of the Courts, we have created online education that allows judges and court personnel to stay current with changes in law and practices while reducing or eliminating travel costs or time away from court.

We are also modernizing our aging computer systems by looking at commercial, off the-shelf products to meet the growing demands of technology in courts throughout our state.

Local courts are also working in innovative ways to help curb costs and improve service. Pierce County juvenile courts, for example, have reduced "failure to appear" rates and detention rates implementing a two-tiered warrant system, calling and conducting home visits to remind juveniles to be in court, and using a continuum of alternatives to detention. This strategy is one of six that Pierce County has implemented to reduce racial and ethnic disparities. The result has been a 47% decrease in detention from 2007 to 2011.

In Seattle Municipal Court, the probation department has formed a partnership with social work programs at three schools: Seattle University, University of Washington, and University of Southern California. Volunteers and interns from these schools have a wide range of experience and are placed in positions from answering phones to assisting with assessments and collecting program data. Last year, volunteers gave nearly 16,000 hours of service. In Kitsap County District Court, the judges began transitioning to an electronic filing system, which has resulted in an 80% reduction in supplies, copy machines, forms, filing cabinets, and so on, as well as a 23% reduction in staffing. In King County, eight municipal courts, led by Tukwila Municipal Court, have pioneered a system for scheduling and sharing precious interpreter services. This has reduced cost and increased availability. And right here in Thurston County, the judges are developing a risk assessment tool for domestic violence defendants. Through the Washington Supreme Court Gender and Justice Commission, we hope to make this tool available to judges across the state.

In this vein, we are also exploring ways to foster regional courts. District and municipal courts are where most citizens interact with the judicial system, and we need to foster an approach that best serves the public. More than 170 municipalities currently contract with a district or municipal court. It is imperative that we examine the most efficient and cost effective method of providing judicial services to everyone coming to court in Washington State. More and more, community leaders are interested in exploring cooperative arrangements for the delivery of court services. Thanks to a grant from the State Justice Institute, we are currently exploring a concept that is broadly described as regional courts. Combined courts can contribute to better court performance, customer service, and fiscal efficiency. We want to work with you on this important court reform.

Along with our Temple of Justice centennial, this year is the 50th anniversary of the United States Supreme Court's decision in *Gideon v. Wainwright*. As Justice Hugo Black wrote in that ground breaking decision, "Lawyers in criminal courts are necessities, not luxuries." We can be proud that long before the United States Supreme Court expressed that belief, our legislature acted to guarantee the right to counsel in Washington State. Recently, however, we learned that in areas of our state, the promise of access to effective assistance of counsel guaranteed by our constitution and our legislature has not been met. Public trust and confidence in our criminal justice system depends on people knowing and believing they have been treated fairly and that their rights have been protected. A conviction may have a lifetime of consequences-including the ability to get a job, an apartment, a student loan. A conviction may separate a family or mean losing custody of a child. As judges, it is our duty to ensure not just the presence of counsel, but effective counsel. And to be effective takes time. As far back as 2004, the Report of the WSBA Blue Ribbon Panel on Criminal Defense concluded that the standards for public defense services enacted in RCW 10.101.030 were being ignored in many jurisdictions and that the lack of enforceable standards, especially case load standards, "jeopardizes the ability of even the most dedicated defenders to provide adequate representation." After more than a year of debate, a four-month

formal public comment period, and intense internal discussion, the Washington Supreme Court recently adopted indigent defense certification, which requires development of case load standards. But adopting court rules is just the beginning. Now, attorneys, trial judges, and administrators must work together to find the best way to implement certification in their courts.

We know that some legislators have concerns about how this will impact local communities-but, through the Office of Public Defense, we want to work with the cities and counties to help design workable systems. Last December, the court ordered the Office of Public Defense to prepare a new report on how the standards and attorney certification rules are being implemented across the state. The report is due this March and will focus on how jurisdictions are working with attorney case loads and methods for addressing them successfully. The case load limits do not become effective under the rules until October 2013.

I also want to mention the other new initiative that the Office of Public Defense is undertaking. Because of its great success with the Parents Representation Program, you in this legislature have asked the office to take on the enormous task of reforming the defense of sexually violent predators. I have no doubt that the Office of Public Defense will exercise the same scrupulous care in evaluating the most efficient and cost effective ways of delivering services to this population that it has exercised in all of its innovative programs. We look forward to working with you on this important initiative.

Another challenge facing our branch is to effectively address racial disparities in our court system. The Washington State Center for Court Research, which operates within the judicial branch, has been hard at work collecting and sharing data on a statewide level and county-by-county. The specific details at the county and court level will help us determine the causes for disproportionality and guide us in finding solutions. Based on data gathered so far, the task force has submitted a number of recommendations for actions by the Supreme Court, for judicial branch agencies, for the different court levels, and for justice partners, such as schools and law enforcement agencies. We need to examine the causes of disproportionality and work toward solutions. We know that "Justice is the Guardian of Liberty." These words are etched on the facade of the United States Supreme Court. It will take all of us working together to ensure that justice is equally applied. We will be asking for your help as we meet this challenge.

Likewise, we must recognize that not all people who need the court system are able to speak English. Seventy-eight different languages were interpreted in Washington's trial courts in 2012, and King County's running tally shows that they have provided interpreters for 130 different languages. However, our state has certified and registered interpreters in only 35 languages, meaning that we are not able to ensure quality translations for many languages spoken in our courts. Legal proceedings, with their technical language and complex processes, are confusing enough when you understand English. But, imagine walking into a high stakes situation where you didn't understand a word of what was going on. As Washington's diversity continues to grow, the need for interpreters is exploding. With limited resources, we must find a way to provide interpreter services in the most efficient and effective ways possible. That is why the Supreme Court included in its budget submission to the legislature a request for funding for a pilot program for video remote interpreting. Reducing both the cost and time of travel can better focus scarce resources where they belong. We need your help to find a solution. We also recognize that the Great Recession has generated a host of profound legal problems for our low income Washingtonians. In 2011 alone, more than a quarter of a million calls were placed to our statewide legal aid hotline. Demand for help is particularly high in recession

sensitive areas of law such as housing, foreclosure, help with governmental support programs, domestic violence, and family safety. In Washington, legal aid is delivered through an innovative public private partnership. State funding supports our nationally recognized statewide legal aid provider-the Northwest Justice Project-as well as 17 local volunteer legal aid programs. I'm very proud of the thousands of volunteer attorneys across the state who together delivered nearly 60,000 hours of free legal aid, worth more than \$10 million to over 20,000 individuals and families. But deep federal budget cuts have crippled legal aid. There are only 87 state-funded legal aid attorneys left to meet the needs of more than 1.8 million low income people who are eligible for state-funded civil legal aid. Today, there is just one legal aid attorney serving all of Clallam and Jefferson Counties; one serves all of Southeast Washington, from Walla Walla to Clarkston; and one serves all low income clients in Grays Harbor and Pacific Counties. In our urban centers, there are more than 22,000 eligible clients for each state-funded legal aid attorney. Legal aid helps resolve cases quickly, often keeping many cases out of court in the first place and facilitating the quick resolution of those that are in our courts. Legal aid is a smart and cost effective investment. The legal aid system, as administered by our Office of Civil Legal Aid, has received strong bipartisan support in recent years. For this, we in the judicial branch are grateful. But we need your continuing support to meet the civil justice needs of our state's poorest residents.

Finally, I would like to address the critical challenges that we face in keeping our courthouses safe for the thousands of attorneys, jurors, court staff, litigants, and members of the public. As Judge David Edwards of Grays Harbor County can attest, this is a challenge in every local jurisdiction. He is a shining example of courage in what can only be described as a terrifying ordeal that occurred in his courthouse. Given Judge Edwards' experience, the recent attack on Judge Brett Buckley at his home in Olympia, and multiple bomb threats in courthouses throughout Washington last month, we know that courthouse security is a continuing challenge that needs to be resolved quickly. We are truly blessed that in each situation, there was not a tragic ending. But hoping that this remains the case is not a policy. At a fundamental level, our democracy is dependent on a judicial branch that can decide disputes safely. No one should be afraid to walk into a courthouse. In 2012, the security staff at Spokane County District Court confiscated over 1,000 handguns, 9,000 knives, 80 tasers, 1,700 razor blades, 1,100 cans of mace, and hundreds of other items that could be used as weapons. In courts without security, these items enter the courthouse every day. The reality is that at any given time, people who are charged with violent crimes or who are engaged in intensely emotional situations are gathered together in one location. Simply hoping that nothing bad happens is no longer good enough.

As we look back on an extraordinarily challenging year, Washington can be proud of its judiciary and its ability to adapt, modernize, and innovate. But this is just the beginning. We will continue to devise innovative and cost efficient ways to ensure that all persons-including the most vulnerable in our society-are provided with fair and timely justice and that they have their day in court in a modern and technologically advanced court system. With the leadership of the Board for Judicial Administration, and the efforts of our exceptional judges and court staff, I am confident we will continue to turn the challenges we face into opportunities to transform the court system today and in the future. We will continue to balance the scales so that we can adapt to fiscal realities and never stray from our constitutional mission. The pursuit of justice is what this court system is all about-from its inception two centuries ago to this very day and in all the years to come. I thank you for the warm welcome that you have given me

and my fellow justices, and I wish you all well in the coming year. Thank you.”

REMARKS BY THE PRESIDENT

President Owen: “Chief Justice, we appreciate very much your very profound comments and your commitment and spirit of unity and cooperation of the Legislature as well as we want to thank the courts throughout the state for their incredible efforts to be more efficient and effective through the creative concepts that they have developed. Thank you very much for that information.”

The President called upon the committee of honor to escort Chief Justice Madsen, Chief Justice of the Washington State Supreme Court from the Chamber.

The President called upon the committee of honor to escort the State Auditor Troy Kelley from the Chamber.

The President called upon the committee of honor to escort the Justices of the Washington State Supreme Court from the Chamber.

MOTION

On motion of Senator Fain the Joint Session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Deputy Speaker Pro Tempore of the House, the Honorable Tina Orwall, House Majority Floor Leader Tami Green, House Assistant Republican Floor Leader Matt Shea and the members of the House of Representatives from the Senate Chamber.

There being no objection, the House adjourned until 9:55 a.m., January 24, 2013, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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4401 Speaker Signed 4

4402 Speaker Signed 4

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