

**THIRTY SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Monday, February 15, 2010

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown Carrell, Fairley, Holmquist, Kilmer, McCaslin and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Bailey Weatherby and Conner Tripp, presented the Colors. Pastor Leon Meyer of Calvary Baptist Church offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 13, 2010

MR. PRESIDENT

The House has passed:

SECOND SUBSTITUTE HOUSE BILL 1162,  
HOUSE BILL 2621,  
SECOND SUBSTITUTE HOUSE BILL 2731,  
SECOND SUBSTITUTE HOUSE BILL 2854,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2010

MR. PRESIDENT

The House has passed:

SECOND SUBSTITUTE HOUSE BILL 1591,  
HOUSE BILL 1697,  
SUBSTITUTE HOUSE BILL 2138,  
SUBSTITUTE HOUSE BILL 2397,  
SUBSTITUTE HOUSE BILL 2580,  
SUBSTITUTE HOUSE BILL 2680,  
SUBSTITUTE HOUSE BILL 2688,  
HOUSE BILL 2750,  
SUBSTITUTE HOUSE BILL 2933,  
HOUSE BILL 2984,  
HOUSE BILL 2987,  
HOUSE BILL 3030,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2010

MR. PRESIDENT

The House has passed:

HOUSE BILL 1757,  
SUBSTITUTE HOUSE BILL 1949,  
SUBSTITUTE HOUSE BILL 2420,  
SECOND SUBSTITUTE HOUSE BILL 2481,  
HOUSE BILL 2676,  
HOUSE BILL 2677,  
SUBSTITUTE HOUSE BILL 2739,  
HOUSE BILL 2751,  
HOUSE BILL 2877,  
ENGROSSED SUBSTITUTE HOUSE BILL 2913,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3026,  
SUBSTITUTE HOUSE BILL 3124,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2010

MR. PRESIDENT

The House has passed:

SECOND SUBSTITUTE HOUSE BILL 2396,  
SUBSTITUTE HOUSE BILL 2487,  
HOUSE BILL 2492,  
SUBSTITUTE HOUSE BILL 2503,  
SUBSTITUTE HOUSE BILL 2566,  
SUBSTITUTE HOUSE BILL 2585,  
HOUSE BILL 2659,  
SUBSTITUTE HOUSE BILL 2678,  
HOUSE BILL 2735,  
HOUSE BILL 2898,  
HOUSE BILL 3007,  
SUBSTITUTE HOUSE BILL 3060,  
HOUSE JOINT MEMORIAL 4024,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2010

MR. PRESIDENT

The House has passed:

SECOND SUBSTITUTE HOUSE BILL 2670,  
SUBSTITUTE HOUSE BILL 2776,  
SUBSTITUTE HOUSE BILL 2893,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 6857 by Senator Jacobsen

AN ACT Relating to establishing the student financial assistance board by eliminating the higher education coordinating board and transferring its functions to various entities; amending RCW 28B.76.010, 28B.76.020, 28B.76.030, 28B.76.090, 28B.76.110, 28B.76.505, 28B.76.525, 28B.76.560, 28B.76.565, 28B.76.570, 28B.76.575, 28B.76.605, 28B.76.610, 28B.76.615, 28B.76.620, 28B.76.645, 28B.76.660, 28B.76.670, 28B.76.690, 28A.600.120, 28A.600.130, 28A.600.140, 28A.600.150, 28A.230.125, 28A.600.285, 28A.630.400, 28A.650.015, 28B.04.080, 28B.07.020, 28B.07.030, 28B.10.786, 28B.10.790, 28B.10.792, 28B.10.840, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.055, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.100, 28B.15.543, 28B.15.732, 28B.15.736, 28B.15.752, 28B.15.760, 28B.15.762, 28B.50.272, 28B.92.020, 28B.95.020, 28B.95.025, 28B.95.040, 28B.95.060, 28B.95.160, 28B.97.020, 28B.101.010, 28B.101.030, 28B.101.040, 28B.101.050, 28B.102.020, 28B.102.030, 28B.105.020, 28B.106.010, 28B.108.010, 28B.108.020, 28B.108.030, 28B.108.060, 28B.109.010, 28B.115.020, 28B.115.030, 28B.115.130, 28B.115.140, 28B.116.010, 28B.116.020, 28B.116.030, 28B.116.050, 28B.116.060, 28B.116.070, 28B.117.020, 28B.117.030, 28B.117.040, 28B.117.050, 28B.117.060, 28B.117.070, 28B.118.010, 28B.118.020, 28B.118.040, 28B.118.050, 28B.118.060, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.050, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, 28B.120.040, 28B.133.030, 28B.133.040, 28B.133.050, 28B.135.010, 28B.135.030, 28B.135.040, 28C.18.166, 39.86.130, 42.17.2401, 43.41.400, 43.105.800, 43.105.810, 43.105.825, 74.13.570, 28B.76.230, 28B.76.290, 28B.76.310, 28B.10.020, 28B.10.922, 28B.15.460, 28B.15.465, 28B.20.130, 28B.20.280, 28B.30.150, 28B.30.500, 28B.35.120, 28B.35.205, 28B.35.215, 28B.38.010, 28B.40.120, 28B.40.206, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.45.060, 28B.50.140, 28B.50.810, 28B.65.050, 28B.110.030, 28B.110.040, 28B.85.010, 28B.85.100, 28B.90.010, 35.104.020, 35.104.040, 43.06.115, 9A.60.070, 18.260.110, 28A.230.125, 28A.600.280, 28A.600.290, 28A.600.310, 28A.600.390, 28A.630.400, 28A.650.015, 28A.700.020, 28A.700.060, 28B.07.040, 28B.10.056, 28B.10.125, 28B.10.5691, 28B.10.682, 28B.10.784, 28B.15.068, 28B.15.069, 28B.15.730, 28B.15.734, 28B.15.750, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.796, 28B.20.308, 28B.20.478, 28B.30.530, 28B.45.080, 28B.65.040, 28B.67.010, 28B.103.030, 28B.76.200, 28C.10.030, 28C.10.040, 28C.18.030, 28C.18.060, 28C.18.132, 28C.18.134, 43.09.440, 43.43.934, 43.43.938, 43.60A.151, 43.88.090, 43.88D.010, 43.105.400, 43.215.090, 43.330.310, 43.330.375, 47.80.090, and 70.180.110; reenacting and amending RCW 28A.660.050, 28B.50.030, 28B.92.030, 28A.230.100, and 43.330.280; adding new sections to chapter 43.41 RCW; adding new sections to chapter 28B.10 RCW; creating new sections; recodifying RCW 28B.76.290, 28B.76.310, 28B.76.200, and 28B.76.230; repealing RCW 28B.76.040, 28B.76.050, 28B.76.060, 28B.76.100, 28B.76.210, 28B.76.240, 28B.76.2401, 28B.76.250, 28B.76.260, 28B.76.270, 28B.76.280, 28B.76.300, and 28B.76.335; providing an effective date; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

2EHB 1547 by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Simpson and Ormsby

AN ACT Relating to increasing the duty-related death benefit for public employees; amending RCW 41.04.017, 41.24.160, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2402 by House Committee on Finance (originally sponsored by Representatives White, Rolfes, Armstrong, Haler, Nelson, Roberts, Maxwell, Dickerson, Crouse, Jacks, Walsh, Wallace, Sells, Ormsby, Kenney, Williams, Blake, Chase, Morris, Campbell, Appleton, Carlyle, Conway, Bailey, Hope and Haigh)

AN ACT Relating to a property tax exemption for property owned by a nonprofit organization and used for the purpose of a farmers market; amending RCW 84.36.037; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

ESHB 2414 by House Committee on Judiciary (originally sponsored by Representatives Johnson, O'Brien, Ross, Finn, Haler, Klippert, Taylor, Crouse, Angel, Erickson, Roach, Kristiansen, Hinkle, Chandler, Seaquist, Walsh, Warnick, Rodne, Smith, Nealey, Short, Hope, Ericks, Lias, Campbell, Morrell, Kelley, Maxwell, Sullivan, Conway, Bailey, Schmick and Hurst)

AN ACT Relating to abatement of nuisances involving criminal street gang activity; amending RCW 59.18.075; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

ESHB 2427 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Pearson, Hurst, Bailey, Goodman, Kirby, Chandler, Herrera, O'Brien, Warnick, Ross, Condotta, Dammeier, Shea, Klippert, Smith, Walsh, Parker, Jacks, Blake, Rodne, Williams, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Maxwell, Sullivan, Conway, Roach, Kristiansen, Haler, Sells, Schmick, Ericks, Ormsby, Kretz, Moeller and Hope)

AN ACT Relating to punishment for domestic violence offenders; amending RCW 9.94A.030 and 9.94A.525; reenacting and amending RCW 9.94A.535; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

2SHB 2436 by House Committee on General Government Appropriations (originally sponsored by Representatives Moeller, Green, Clibborn, Pedersen, Carlyle, Morrell and Jacks)

AN ACT Relating to vehicle license fraud; amending RCW 46.16.010 and 46.68.250; and providing an effective date.

Referred to Committee on Transportation.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

SHB 2439 by House Committee on Finance (originally sponsored by Representatives Short, Ericks, Crouse, Orcutt, Johnson, Taylor, Ormsby, Angel, Chandler, Shea, Kretz, Chase, Williams, McCune, Smith and Bailey)

AN ACT Relating to exempting church property used by a nonprofit organization conducting activities related to a farmers market from property taxation; amending RCW 84.36.020; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 2525 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Nealey, Klippert, Chandler and Haler)

AN ACT Relating to public facilities districts created by at least two city or county legislative authorities; and amending RCW 35.57.010.

Referred to Committee on Economic Development, Trade & Innovation.

2SHB 2551 by House Committee on Ways & Means (originally sponsored by Representatives Cody, Green, Sullivan, Pedersen, Darneille and Moeller)

AN ACT Relating to the establishment of the Washington vaccine association; amending RCW 43.70.720; adding a new section to chapter 43.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

ESHB 2560 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Orwall, Uptegrove, Quall, Simpson, Nelson and Morrell)

AN ACT Relating to forming joint underwriting associations; amending RCW 48.15.040; adding a new chapter to Title 48 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2595 by Representatives Rolfes, Kelley, Ericks, Kirby and Hurst

AN ACT Relating to imposing a sentence outside the standard sentence range for defendants who intercept police communication as a means to facilitate the crime; and reenacting and amending RCW 9.94A.535.

Referred to Committee on Judiciary.

HB 2605 by Representatives Driscoll, Kelley, Chase, Ormsby and Moeller

AN ACT Relating to billing for anatomic pathology services; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

HB 2608 by Representatives Nelson, Kirby, Chase, Simpson, Morrell, Maxwell and Moeller

AN ACT Relating to licensing residential mortgage loan servicers through the national mortgage licensing service and clarifying the existing authority of the department of financial institutions to regulate residential mortgage loan modification services under the consumer loan act and mortgage broker practices act; amending RCW 31.04.035, 31.04.045, 31.04.055, 31.04.085, 31.04.093, 31.04.165, 31.04.277, 19.144.080, 19.146.010, 19.146.210, and 19.146.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 31.04 RCW; adding new sections to chapter 19.146 RCW; repealing RCW 31.04.2211; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 2623 by House Committee on General Government Appropriations (originally sponsored by Representatives Orwall, Miloscia, Darneille, Kirby, Sullivan, Pettigrew, Simpson, Rolfes and Hasegawa)

AN ACT Relating to the foreclosure of residential real property; creating a new section; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2624 by House Committee on Human Services (originally sponsored by Representatives Kelley, Ericks, Driscoll, Lias, Blake, Finn, O'Brien, Simpson, Orwall, Hurst and Darneille)

AN ACT Relating to the interstate compact for adult offender supervision; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2683 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Smith, Probst, Maxwell, Ericks, Sullivan, Pettigrew, Kelley, White, Johnson, Hasegawa, Lias, Sells, Nelson and Anderson)

AN ACT Relating to the economic development commission; amending RCW 43.162.005, 43.162.010, 43.162.015, 43.162.020, 43.162.025, and 43.162.030; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

HB 2694 by Representatives Sells, White, McCoy, Kenney, Ericks, O'Brien, Roberts and Chase

AN ACT Relating to a bachelor of science in nursing program at the University Center; adding a new section to chapter 28B.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

ESHB 2716 by House Committee on Transportation (originally sponsored by Representatives Shea, Condotta, Orcutt, Klippert, Johnson, McCune, Angel, Rodne, Kristiansen, Roach, Schmick, Fagan, Hasegawa, Pearson, Campbell and Warnick)

AN ACT Relating to providing a right of first repurchase for surplus transportation property; amending RCW 47.12.063; and providing an effective date.

Referred to Committee on Transportation.

SHB 2721 by House Committee on Transportation (originally sponsored by Representatives Upthegrove, Orwall, Kenney, Lias, Nelson and Chase)

AN ACT Relating to commute trip reduction programs; and amending RCW 70.94.531.

Referred to Committee on Transportation.

2SHB 2742 by House Committee on Transportation (originally sponsored by Representatives Goodman, Lias, Sells, Hasegawa, Maxwell, Roberts, Jacks, Carlyle, Rolfes, Simpson, O'Brien and Morrell)

AN ACT Relating to accountability for persons driving under the influence of intoxicating liquor or drugs; amending RCW 46.20.385, 46.20.391, 46.20.720, 46.61.5055, 46.20.410, 46.20.342, 46.20.740, 10.05.020, 10.05.090, and 10.05.160; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SHB 2745 by House Committee on Environmental Health (originally sponsored by Representatives Hudgins, Campbell and Upthegrove)

AN ACT Relating to including renovation activities as defined in the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program; and amending RCW 70.103.010, 70.103.020, 70.103.030, 70.103.040, 70.103.050, 70.103.080, and 70.103.090.

Referred to Committee on Environment, Water & Energy.

SHB 2758 by House Committee on Finance (originally sponsored by Representatives Hunter, Condotta, Kessler and Orcutt)

AN ACT Relating to documenting wholesale sales for excise tax purposes; amending RCW 82.32.780, 82.32.783, 82.32.785, 82.32.787, and 82.32.290; amending 2009 c 563 Â§ 101 (uncodified); reenacting and amending RCW 82.04.470, 82.08.050, 82.08.130, 82.32.087, 82.32.291, 82.32.330, 82.04.050, and 34.05.328; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2777 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, O'Brien, Driscoll, Kessler, Maxwell, Finn, Hurst, Williams, Appleton, Hudgins, Kelley, Ericks, Morrell, McCoy, Seaquist, Green, Carlyle, Conway, Pearson and Simpson)

AN ACT Relating to modifying domestic violence provisions; amending RCW 10.31.100, 10.99.045, 26.50.020, 26.50.060, 26.50.070, 10.99.040, 9.94A.030, 9.94A.525, 3.66.068, 3.50.330, 35.20.255, 26.50.150, and 68.50.160; reenacting and amending RCW 9.94A.535; adding a new section to chapter 36.28A RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 7.90 RCW; adding a new section to chapter 10.14 RCW; adding new sections to chapter 2.56 RCW; adding a new section to chapter 10.99 RCW; and creating a new section.

Referred to Committee on Judiciary.

2SHB 2782 by House Committee on Ways & Means (originally sponsored by Representatives Dickerson, Appleton, McCoy, Carlyle, Morrell, Kagi, Kessler, Green, Ericks, Moeller, Roberts, Nelson and Orwall)

AN ACT Relating to establishing the security lifeline act; amending RCW 74.04.005, 10.101.010, 26.19.071, 31.04.540, 70.123.110, 73.08.005, 74.04.0052, 74.04.120, 74.04.230, 74.04.266, 74.04.620, 74.04.770, 74.08.043, 74.08.278, 74.08.335, 74.08A.210, 74.09.010, 74.09.035, 74.09.555, and 74.50.060; reenacting and amending RCW 13.34.030; adding new sections to chapter 74.04 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 74.08A RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2828 by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell and Morrell)

AN ACT Relating to requiring hospitals to report certain health care-associated infections to the Washington state hospital association's quality benchmarking system until the national health care safety network is able to accept aggregate denominator data; amending RCW 43.70.056; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

ESHB 2842 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Parker, Kirby and Kenney)

AN ACT Relating to insurer receiverships; amending RCW 42.56.400; adding a new section to chapter 48.31 RCW; and adding a new section to chapter 48.99 RCW.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2852 by House Committee on Education (originally sponsored by Representatives Parker, Wallace and Schmick)

AN ACT Relating to college-level online learning by high school students; and amending RCW 28A.250.010 and 28A.250.060.

Referred to Committee on Early Learning & K-12 Education.

SHB 2863 by House Committee on General Government Appropriations (originally sponsored by Representatives Blake, Chandler, Liias, Van De Wege, Jacks and Wallace)

AN ACT Relating to transferring food assistance programs to the department of agriculture; amending RCW 43.330.130; adding a new section to chapter 43.23 RCW; creating new sections; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 2865 by House Committee on Human Services (originally sponsored by Representatives Roberts, Dickerson, Walsh, O'Brien, White, Seaquist, Green, Williams, Moeller, Appleton and Orwall)

AN ACT Relating to offenders with developmental disabilities or traumatic brain injuries; amending RCW 2.28.180 and 74.09.555; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2930 by House Committee on Higher Education (originally sponsored by Representatives Wallace, Sells, Carlyle, Anderson and Haler)

AN ACT Relating to expanding the pool of qualified teachers; amending RCW 28B.102.040, 28B.102.050, and 28B.102.055; reenacting and amending RCW 28A.660.050; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 2937 by Representatives Clibborn, Roach, Takko, Rodne, Finn, Klippert, Seaquist, Ericksen, Kessler, Simpson and Smith

AN ACT Relating to modifying the transportation system policy goals to include economic vitality; and amending RCW 47.04.280.

Referred to Committee on Transportation.

SHB 2939 by House Committee on Transportation (originally sponsored by Representatives Dammeier, Orwall, Parker, Probst, Morrell, Kessler, Smith and Kenney)

AN ACT Relating to notations on driver abstracts that a person was not at fault in a motor vehicle accident; amending RCW 46.52.130; and creating a new section.

Referred to Committee on Transportation.

HB 3068 by Representatives Santos, Priest, Sullivan, Upthegrove, Maxwell, Morrell, Wallace, Ormsby, Kenney and Simpson

AN ACT Relating to providing access to alternative routes to certification for the recruiting Washington teachers program; amending RCW 28A.660.042; and reenacting and amending RCW 28A.660.050 and 28A.660.040.

Referred to Committee on Early Learning & K-12 Education.

HJM 4025 by Representatives O'Brien, Campbell, Seaquist, Appleton, McCune, Kelley, Warnick, Armstrong, Sells, Morrell, Maxwell, Van De Wege, Simpson, Conway, Smith, Shea, Pearson, Johnson, Hurst and Kenney

Honoring Vietnam veterans.

Referred to Committee on Government Operations & Elections.

HJM 4027 by Representatives Hasegawa, Hudgins, Maxwell, Wallace, Simpson and Kenney

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

Referred to Committee on Natural Resources, Ocean & Recreation.

#### MOTION

On motion of Senator Eide, 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. 2930 which was referred to the Committee on Higher Education & Workforce Development.

#### MOTION

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

#### MOTION

Senator Stevens moved adoption of the following resolution:

#### SENATE RESOLUTION

8683

By Senators Stevens, Delvin, Becker, Swecker, Honeyford, Morton, McCaslin, Brandland, Parlette, Schoesler, Zarelli, Carrell, Ranker, and Kohl-Welles

WHEREAS, Jessica Munoz, a senior at Mt. Vernon Christian is a racquetball player possessing great skill who has developed her craft in the city of Burlington under the guidance of her father, Alan Lawson and amassed over 28 national and international racquetball medals; and

WHEREAS, Jessica Munoz uses her racquetball skill to instruct others, officiate racquetball matches, and is the top racquetball player for her age group in her home country of Columbia; and

WHEREAS, Jessica Munoz has recently become a citizen of the United States and won the 36th annual 16 and younger junior racquetball championship and has earned a one-year appointment to the U.S. Junior National Team and is the fourth ranked racquetball player in the United States for her age group and in 2008 Jessica captured the gold medal in the U.S. Nationals Doubles Competition; and

WHEREAS, Jessica Munoz competed in the 2009 International Racquetball Federation Championships and defeated the Dominican Republic in the doubles gold medal match, and Jessica collected a silver medal and gold medal at the Junior World Tournament, competing against the top two competitors from each county;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate and celebrate the domestic and international competitive racquetball achievements of Jessica Munoz; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Jessica Munoz and Alan Lawson.

Senator Stevens spoke in favor of the adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Jessica Munoz, 2009 International Racquetball Federation Champion who was seated in the gallery.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Alan & Idali Lawson, parents of Jessica; Jim and Maudie Lawson, grandparents of Jessica and Lendell Meyer, family friend who were seated in the gallery.

#### MOTION

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9164, Roger E. Schmitt, as a member of the Parks and Recreation Commission, be confirmed.

Senator Jacobsen spoke in favor of the motion.

#### MOTION

On motion of Senator Marr, Senators Brown, Fairley, Fraser, Kastama, Kilmer, Oemig, Prentice, Ranker and Rockefeller were excused.

#### MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Holmquist and McCaslin were excused.

#### APPOINTMENT OF ROGER E. SCHMITT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9164, Roger E. Schmitt as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9164, Roger E. Schmitt as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

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

Excused: Senators Benton, Brown, Carrell, Fairley, Holmquist, Kilmer, McCaslin, Prentice and Ranker

Gubernatorial Appointment No. 9164, Roger E. Schmitt, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator McDermott moved that Gubernatorial Appointment No. 9257, Shelia L. Fox, as a member of the State Board of Education, be confirmed.

Senator McDermott spoke in favor of the motion.

#### APPOINTMENT OF SHELIA L. FOX

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9257, Shelia L. Fox as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9257, Shelia L. Fox as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

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

Absent: Senator Hargrove

Excused: Senators Benton, Carrell, Fairley, Holmquist, McCaslin and Prentice

Gubernatorial Appointment No. 9257, Shelia L. Fox, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

#### SECOND READING

SENATE BILL NO. 5543, by Senators Pridemore, Oemig, Rockefeller, Fairley, Murray, Kline, Keiser, Shin, Regala, Franklin, McAuliffe, Fraser, Ranker and Kohl-Welles

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

Establishing the product stewardship recycling act for mercury-containing lights. Revised for 1st Substitute: Reducing the release of mercury into the environment.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 5543 was substituted for Senate Bill No. 5543 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senators Pridemore and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) Mercury is an essential component of many energy efficient lights. Improper disposal methods will lead to mercury releases that threaten the environment and harm human health. Spent mercury lighting is a hard to collect waste product that is appropriate for product stewardship;

(2) Convenient and environmentally sound product stewardship programs for mercury-containing lights that include collecting, transporting, and recycling mercury-containing lights will help protect Washington's environment and the health of state residents;

(3) The purpose of this act is to achieve a statewide goal of recycling all end-of-life mercury-containing lights by 2020 through expanded public education, a uniform statewide requirement to recycle all mercury-containing lights, and the development of a comprehensive, safe, and convenient collection system that includes use of residential curbside collection programs, mail-back containers, increased support for household hazardous waste facilities, and a network of additional collection locations;

(4) Product producers must play a significant role in financing no-cost collection and processing programs for mercury-containing lights; and

(5) Providers of premium collection services such as residential curbside and mail-back programs may charge a fee to cover the collection costs for these more convenient forms of collection.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Brand" means a name, symbol, word, or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand as the producer.

(2) "Covered entities" means:

(a) A single-family or a multifamily household generator and persons that deliver no more than fifteen mercury-containing lights to registered collectors for a product stewardship program during a ninety-day period; and

(b) A single-family or a multifamily household generator and persons that utilize a registered residential curbside collection program or a mail-back program for collection of mercury-containing lights and that discards no more than fifteen mercury-containing lights into those programs during a ninety-day period.

(3) "Collection" or "collect" means, except for persons involved in mail-back programs:

(a) The activity of accumulating any amount of mercury-containing lights at a location other than the location where the lights are used by covered entities, and includes curbside collection activities, household hazardous waste facilities, and other registered drop-off locations; and

(b) The activity of transporting mercury-containing lights in the state, where the transporter is not a generator of unwanted mercury-containing lights, to a location for purposes of accumulation.

(4) "Department" means the department of ecology.

(5) "Final disposition" means the point beyond which no further processing takes place and materials from mercury-containing lights have been transformed for direct use as a feedstock in producing new products, or disposed of or managed in permitted facilities.

(6) "Hazardous substances" or "hazardous materials" means those substances or materials identified by rules adopted under chapter 70.105 RCW.

(7) "Mail-back program" means the use of a prepaid postage container with mercury vapor barrier packaging that is used for the collection and recycling of mercury-containing lights from covered entities as part of a product stewardship program and is transported by the United States postal service or a common carrier.

(8) "Mercury vapor barrier packaging" means sealable containers that are specifically designed for the storage, handling, and transport of mercury-containing lights in order to prevent the escape of mercury into the environment by volatilization or any other means, and that meet the requirements for transporting by the United States postal service or a common carrier.

(9) "Mercury-containing lights" means lamps, bulbs, tubes, or other devices that contain mercury and provide functional illumination in homes, businesses, and outdoor stationary fixtures.

(10) "Orphan product" means a mercury-containing light that lacks a producer's brand, or for which the producer is no longer in business and has no successor in interest, or that bears a brand for which the department cannot identify an owner.

(11) "Person" means a sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, cooperative, or other legal entity located within or outside Washington state.

(12) "Processing" means recovering materials from unwanted products for use as feedstock in new products. Processing must occur at permitted facilities.

(13) "Producer" means a person that:

(a) Has or had legal ownership of the brand, brand name, or cobrand of a mercury-containing light sold in or into Washington state, except for persons whose primary business is retail sales;

(b) Imports or has imported mercury-containing lights branded by a producer that meets the requirements of (a) of this subsection and where that producer has no physical presence in the United States;

(c) If (a) and (b) of this subsection do not apply, makes or made an unbranded mercury-containing light that is sold or has been sold in or into Washington state; or

(d)(i) Sells or sold at wholesale or retail a mercury-containing light; (ii) does not have legal ownership of the brand; and (iii) elects to fulfill the responsibilities of the producer for that product.

(14) "Product stewardship" means a requirement for a producer of mercury-containing lights to manage and reduce adverse safety, health, and environmental impacts of the product throughout its life cycle, including financing and providing for the collection, transporting, reusing, recycling, processing, and final disposition of their products.

(15) "Product stewardship plan" or "plan" means a detailed plan describing the manner in which a product stewardship program will be implemented.

(16) "Product stewardship program" or "program" means the methods, systems, and services financed and provided by producers of mercury-containing lights generated by covered entities that addresses product stewardship and includes collecting, transporting, reusing, recycling, processing, and final disposition of unwanted mercury-containing lights, including a fair share of orphan products.

(17) "Recovery" means the collection and transportation of unwanted mercury-containing lights under this chapter.

(18)(a) "Recycling" means transforming or remanufacturing unwanted products into usable or marketable materials for use other than landfill disposal or incineration.

(b) "Recycling" does not include energy recovery or energy generation by means of combusting unwanted products with or without other waste.

(19) "Reporting period" means the period commencing January 1st and ending December 31st in the same calendar year.

(20) "Residuals" means nonrecyclable materials left over from processing an unwanted product.

(21) "Retailer" means a person who offers mercury-containing lights for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(22)(a) "Reuse" means a change in ownership of a mercury-containing light or its components, parts, packaging, or shipping materials for use in the same manner and purpose for which it was originally purchased, or for use again, as in shipping materials, by the generator of the shipping materials.

(b) "Reuse" does not include dismantling of products for the purpose of recycling.

(23) "Stakeholder" means a person who may have an interest in or be affected by a product stewardship program.

(24) "Stewardship organization" means an organization designated by a producer or group of producers to act as an agent on behalf of each producer to operate a product stewardship program.

(25) "Unwanted product" means a mercury-containing light no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner.

**NEW SECTION. Sec. 3.** (1) Every producer of mercury-containing lights sold in or into Washington state for residential use must fully finance and participate in a product stewardship program for that product, including the department's costs for administering and enforcing this chapter.

(2) Every producer must:

(a) Participate in a product stewardship program approved by the department and operated by a product stewardship organization contracted by the department. All producers must finance and participate in the plan operated by the stewardship organization, unless the producer obtains department approval for an independent plan as described in (b) of this subsection; or

(b) Finance and operate, either individually or jointly with other producers, a product stewardship program approved by the department.

(3) A producer, group of producers, or product stewardship organization funded by producers must pay all administrative and operational costs associated with their program or programs, except for the collection costs associated with curbside and mail-back collection programs. For curbside and mail-back programs, a producer, group of producers, or product stewardship organization shall finance the costs of transporting mercury-containing lights from accumulation points and for processing mercury-containing lights collected by curbside and mail-back programs. For collection locations, including household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable locations, a producer, group of producers, or product stewardship organization shall finance the costs of collection, transportation, and processing of mercury-containing lights collected at the collection locations.

(4) Product stewardship programs shall collect unwanted mercury-containing lights delivered from covered entities for reuse, recycling, processing, or final disposition, and not charge a fee when lights are dropped off or delivered into the program.

(5) Product stewardship programs shall provide, at a minimum, no cost services in all cities in the state with populations greater than ten thousand and all counties of the state on an ongoing, year-round basis.

(6) All product stewardship programs operated under approved plans must recover their fair share of unwanted covered products as determined by the department.

(7) The department or its designee may inspect, audit, or review audits of processing and disposal facilities used to fulfill the requirements of a product stewardship program.

(8) No product stewardship program required under this chapter may use federal or state prison labor for processing unwanted products.

(9) Product stewardship programs for mercury-containing lights must be fully implemented by January 1, 2013.

**NEW SECTION. Sec. 4.** (1) A producer, group of producers, or product stewardship program submitting a proposed product stewardship plan under section 3(2)(b) of this act must submit that plan by January 1st of the year prior to the planned implementation.

(2) The department shall establish rules for plan content. Plans must include but are not limited to:

(a) All necessary information to inform the department about the plan operator and participating producers and their brands;

(b) The management and organization of the product stewardship program that will oversee the collection, transportation, and processing services;

(c) The identity of collection, transportation, and processing service providers, including a description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as an appropriate collection mechanism;

(d) How the product stewardship program will seek to use businesses within the state, including transportation services, retailers, collection sites and services, existing curbside collection services, existing mail-back services, and processing facilities;

(e) A description of how the public will be informed about the recycling program;

(f) A description of the financing system required under section 5 of this act;

(g) How mercury and other hazardous substances will be handled for collection through final disposition;

(h) A public review and comment process; and

(i) Any other information deemed necessary by the department to ensure an effective mercury light product stewardship program that is in compliance with all applicable laws and rules.

(3) All plans submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

(4) At least two years from the start of the product stewardship program and once every four years thereafter, a producer, group of producers, or product stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the department for review and approval according to rules adopted by the department.

(5) Each product stewardship program shall submit an annual report to the department describing the results of implementing their plan for the prior year. The department may adopt rules for reporting requirements. All reports submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

**NEW SECTION. Sec. 5.** (1) All producers that sell mercury-containing lights in or into the state of Washington are responsible for financing the mercury-containing light recycling program described in the plans required by section 4 of this act.

(2) Producers participating in the stewardship program required under section 3(2)(a) of this act must be assessed a fee by the



THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

stewardship organization to cover the cost of implementing the plan. Each producer shall pay fifteen thousand dollars to the department to contract for a product stewardship program to be operated by a product stewardship organization. The department shall retain five thousand dollars of the fifteen thousand dollars for administration and enforcement costs. Each producer participating in an approved independent plan shall pay an annual fee of five thousand dollars to the department for administration and enforcement costs.

(3) A producer or producers participating in an independent plan, as permitted under section 3(2)(b) of this act, must pay the full cost of operation.

(4) The department shall adopt rules regarding how the product stewardship organization may adjust the fee above or below the limits provided in subsection (2) of this section should product stewardship program costs exceed available revenues.

**NEW SECTION. Sec. 6.** (1) All mercury-containing lights collected in the state by product stewardship programs or other collection programs must be recycled and any process residuals must be managed in compliance with applicable laws.

(2) Mercury recovered from retorting must be recycled or placed in a properly permitted hazardous waste landfill, or placed in a properly permitted mercury repository.

**NEW SECTION. Sec. 7.** (1) Except for persons involved in registered mail-back programs, a person who collects unwanted mercury-containing lights in the state, receives funding through a product stewardship program for mercury-containing lights, and who is not a generator of unwanted mercury-containing lights must:

(a) Register with the department as a collector of unwanted mercury-containing lights. Until the department adopts rules for collectors, the collector must provide to the department the legal name of the person or entity owning and operating the collection location, the address and phone number of the collection location, and the name, address, and phone number of the individual responsible for operating the collection location and update any changes in this information within thirty days of the change;

(b) Maintain a spill and release response plan at the collection location that describes the materials, equipment, and procedures that will be used to respond to any mercury release from an unwanted mercury-containing light;

(c) Maintain a worker safety plan at the collection location that describes the handling of the unwanted mercury-containing lights at the collection location and measures that will be taken to protect worker health and safety; and

(d) Use packaging and shipping material that will minimize the release of mercury into the environment and minimize breakage and use mercury vapor barrier packaging if mercury-containing lights are transported by the United States postal service or a common carrier.

(2) A person who operates a curbside collection program or owns or operates a mail-back business participating in a product stewardship program for mercury-containing lights and uses the United States postal service or a common carrier for transport must register with the department and use mercury vapor barrier packaging for curbside collection and mail-back containers.

**NEW SECTION. Sec. 8.** As of January 1, 2013, no producer, wholesaler, retailer, electric utility, or other person may distribute, sell, or offer for sale mercury-containing lights for residential use to any person in this state unless the producer is participating in a product stewardship program under a plan approved by the department.

**NEW SECTION. Sec. 9.** (1) The department shall send a written warning and a copy of this chapter and any rules adopted to implement this chapter to a producer who is not participating in a product stewardship program approved by the department and whose mercury-containing lights are being sold in or into the state.

(2) A producer not participating in a product stewardship program approved by the department whose mercury-containing lights continue to be sold in or into the state sixty days after receiving a written warning from the department shall be assessed a penalty of up to one thousand dollars for each violation. A violation is one day of sales.

(3) If any producer fails to implement its approved plan, the department shall assess a penalty of up to five thousand dollars for the first violation along with notification that the producer must implement its plan within thirty days of the violation. After thirty days, any producer failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation. A subsequent violation occurs each thirty-day period that the producer fails to implement the approved plan.

(4) The department shall send a written warning to a producer that fails to submit a product stewardship plan, update or change the plan when required, or submit an annual report as required under this chapter. The written warning must include compliance requirements and notification that the requirements must be met within sixty days. If requirements are not met within sixty days, the producer will be assessed a ten thousand dollar penalty per day of noncompliance starting with the first day of notice of noncompliance.

(5) Penalties prescribed under this section must be reduced by fifty percent if the producer complies within thirty days of the second violation notice.

(6) A producer may appeal penalties prescribed under this section to the pollution control hearings board created under chapter 43.21B RCW.

**NEW SECTION. Sec. 10.** (1) The department shall provide on its web site a list of all producers participating in a product stewardship plan that the department has approved and a list of all producers the department has identified as noncompliant with this chapter and any rules adopted to implement this chapter.

(2) Product wholesalers, retailers, distributors, and electric utilities must check the department's web site or producer-provided written verification to determine if producers of products they are selling in or into the state are in compliance with this chapter.

(3) No one may distribute or sell mercury-containing lights in or into the state from producers who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(4) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to any person known to be distributing or selling mercury-containing lights in or into the state from producers who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(5) Any person who continues to distribute or sell mercury-containing lights from a producer that is not participating in an approved product stewardship program sixty days after receiving a written warning from the department may be assessed a penalty two times the value of the products sold in violation of this chapter or five hundred dollars, whichever is greater. The penalty must be waived if the person verifies that the person has discontinued distribution or sales of mercury-containing lights within thirty days of the date the penalty is assessed. A retailer may appeal penalties to the pollution control hearings board.

(6) The department shall adopt rules to implement this section.

(7) A sale or purchase of mercury-containing lights as a casual or isolated sale as defined in RCW 82.04.040 is not subject to the provisions of this section.

(8) A person primarily engaged in the business of reuse and resale of a used mercury-containing light is not subject to the

provisions of this section when selling used working mercury-containing lights, for use in the same manner and purpose for which it was originally purchased.

(9) In-state distributors, wholesalers, and retailers in possession of mercury-containing lights on the date that restrictions on the sale of the product become effective may exhaust their existing stock through sales to the public.

**NEW SECTION. Sec. 11.** All producers shall pay the department annual fees to cover the cost of administering and enforcing this chapter. The department may prioritize the work to implement this chapter if fees are not adequate to fund all costs of the program.

**NEW SECTION. Sec. 12.** The product stewardship programs account is created in the custody of the state treasurer. All funds received from producers under section 11 of this act and penalties collected under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 13.** (1) The department may adopt rules necessary to implement, administer, and enforce this chapter.

(2) The department may adopt rules to establish performance standards for product stewardship programs and may establish administrative penalties for failure to meet the standards.

(3) By December 31, 2010, and annually thereafter until December 31, 2014, the department shall report to the appropriate committees of the legislature concerning the status of the product stewardship program and recommendations for changes to the provisions of this chapter.

(4) Beginning October 1, 2014, the department shall annually invite comments from local governments, communities, and citizens to report their satisfaction with services provided by product stewardship programs. This information must be used by the department to determine if the plan operator is meeting convenience requirements and in reviewing proposed updates or changes to product stewardship plans.

(5) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the impacts of the requirements of this chapter on the availability or purchase of energy efficient lighting within the state. If the department determines that evidence shows the requirements of this chapter have resulted in negative impacts on the availability or purchase of energy efficient lighting in the state, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for changes to the provisions of this chapter.

(6) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the availability of energy efficient nonmercury lighting to replace mercury-containing lighting within the state. If the department determines that evidence shows that energy efficient nonmercury-containing lighting is available and achieves similar energy savings as mercury lighting at similar cost, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for legislative changes to reduce mercury use in lighting.

(7) Beginning October 1, 2013, the department shall annually estimate the overall statewide recycling rate for mercury-containing lights and calculate that portion of the recycling rate attributable to the product stewardship program.

(8) The department may require submission of independent performance evaluations and report evaluations documenting the effectiveness of mercury vapor barrier packaging in preventing the escape of mercury into the environment. The department may restrict the use of packaging for which adequate documentation has not been provided. Restricted packaging may not be used in any product stewardship program required under this chapter.

**NEW SECTION. Sec. 14.** Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract under RCW 81.77.020.

**NEW SECTION. Sec. 15.** Nothing in this chapter changes the requirements of any entity regulated under chapter 70.105 RCW to comply with the requirements under that chapter.

**NEW SECTION. Sec. 16.** This chapter must be liberally construed to carry out its purposes and objectives.

**Sec. 17.** RCW 70.95M.010 and 2003 c 260 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ("Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.) "Bulk mercury" includes any elemental, nonamalgamated mercury, regardless of volume quantity or weight and does not include products containing mercury collected for recycling or disposal at a permitted disposal facility.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

(8) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include those products listed in the interstate mercury education and reduction clearinghouse mercury-added products database, but are not limited to, mercury thermometers, mercury thermostats, mercury barometers, lamps, and mercury switches (~~in motor vehicles~~) or relays.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

(9) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

(10) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

(11) "Retailer" means a retailer of a mercury-added product.

(12) "Switch" means any device, which may be referred to as a switch, sensor, valve, probe, control, transponder, or any other apparatus, that directly regulates or controls the flow of electricity, gas, or other compounds, such as relays or transponders. "Switch" includes all components of the unit necessary to perform its flow control function. "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems. "Utility switch" includes, but is not limited to, all devices that open or close an electrical circuit, or a liquid or gas valve. "Utility relay" includes, but is not limited to, all products or devices that open or close electrical contacts to control the operation of other devices in the same or other electrical circuit.

(13) "Wholesaler" means a wholesaler of a mercury-added product.

**Sec. 18.** RCW 70.95M.050 and 2003 c 260 s 6 are each amended to read as follows:

(1) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

(i) An electronic thermometer with a button-cell battery containing mercury;

(ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;

(iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such a time as the system is replaced or a nonmercury component for the system or application is available;

(iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology;

(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer or thermometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction consistent with the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that

contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

(6) Effective June 30, 2012, the sale or purchase and delivery of bulk mercury is prohibited, including sales through the internet or sales by private parties. However, the prohibition in this subsection does not apply to immediate dangerous waste recycling facilities or treatment, storage, and disposal facilities as approved by the department and sales to research facilities, or industrial facilities that provide products or services to entities exempted from this chapter. The facilities described in this subsection must submit an inventory of their purchase and use of bulk mercury to the department on an annual basis, as well as any mercury waste generated from such actions.

NEW SECTION. **Sec. 19.** Sections 1 through 16 and 20 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 20.** 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."

Senator Pridemore 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 Pridemore and Hargrove to Substitute Senate Bill No. 5543.

The motion by Senator Pridemore 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 "reduction;" strike the remainder of the title and insert "amending RCW 70.95M.010 and 70.95M.050; adding a new chapter to Title 70 RCW; and prescribing penalties."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 5543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

POINT OF INQUIRY

Senator Sheldon: "Would Senator Pridemore yield to a question? Thank you Mr. President, if I might read from the bill? Senator Pridemore, I'm concerned about the cost of disposal of mercury contained in fluorescent light bulbs especially by all counties and municipal landfills but I see in the bill on page 5, sub 5, bottom of line 36. Products stewardship programs shall provide, at a minimum, no cost services in all counties in the state with populations greater than ten thousand and all counties of the state on an ongoing, year-round basis.' So, Senator Pridemore, my question; Can I read that, do I read that to say that the

recycling and disposal of these mercury containing bulbs will be accomplished at no cost to the counties?"

Senator Pridemore: "That is correct Senator. As we understand the bill there is no requirement that local government actually perform any function in this, it would simply be a program that the producers of the bulbs would have to manage and run."

Senator Sheldon: "So, the producers, the manufacturers, the retailers will pay for all the cost of disposing of these products?"

Senator Pridemore: "That is our understanding Senator."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5543.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

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

Voting nay: Senators Becker, Brandland, Delvin, Holmquist, Honeyford, King, Morton, Schoesler and Stevens

Excused: Senators Carrell, Fairley and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5543, 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. 6244, by Senators Fraser, Rockefeller, Marr, Ranker, Pridemore, Kohl-Welles, Shin and Kline

Defining a green home and an energy efficient home.

#### MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6244 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

SENATE BILL NO. 6759, by Senators Kauffman, Oemig, Prentice and Kline

Requiring a plan for a voluntary program of early learning as a part of basic education. Revised for 1st Substitute: Requiring a plan for a voluntary program of early learning.

#### MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 6759 was substituted for Senate Bill No. 6759 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 6759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman, King and McAuliffe spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6759.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6759 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

SUBSTITUTE SENATE BILL NO. 6759, 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 Honeyford: "Thank you Mr. President. I would like to thank your lovely and talented wife for the cookies on our desk. She is very considerate and so thank you."

#### REPLY BY THE PRESIDENT

President Owen: "You're quite welcome. She worked very hard all day yesterday of which I had to stand in that house and smell that all day long. So, I can assure each and every one of you that they are very, very good as I sampled them all day long."

#### POINT OF ORDER

Senator McDermott: "Do you we have our annual exemption for the Senate Rules allowing us to eat the cookies on the floor today?"

#### REPLY BY THE PRESIDENT

President Owen: "If I want to maintain domestic tranquility back home, the answer would be yes."

#### SECOND READING

SENATE BILL NO. 6733, by Senator King

Allocating responsibility for court-related costs of involuntary commitment proceedings. Revised for 1st Substitute: Creating a task force to review allocation of court-related involuntary commitment costs.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

## MOTION

On motion of Senator King, Substitute Senate Bill No. 6733 was substituted for Senate Bill No. 6733 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 Senators Hargrove and King be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) A legislature shall convene a work group on the subject of costs related to court hearings under the involuntary treatment act, with members as provided in this subsection.

(i) Members shall be invited to participate who represent the diversity of opinions and practices around the state. Invited members must include, but need not be limited to, members representing a regional support network east of the Cascade mountains, a regional support network west of the Cascade mountains, a predominantly urban county, a predominantly rural county, a court administrator, a prosecutor or representative of a prosecutor's association, a defense attorney or representative of a defense association, and a consumer or family representative.

(ii) The department of social and health services shall cooperate with the work group and maintain a liaison representative, who shall be a nonvoting member.

(b) The work group shall choose its chair from among its membership. The legislature shall convene the initial meeting of the work group.

(2) The work group shall review the following issues:

(a) Appropriate allocation of responsibility for court-related costs and fees associated with involuntary commitment hearings; and

(b) Appropriate allocation of responsibility for court-related costs and fees associated with involuntary commitment hearings when the commitment hearing takes place in a different locality than the locality in which the respondent was originally detained.

(3) Staff support for the work group must be provided by the senate committee services and the house of representatives office of program research.

(4) The expenses of the work group must be paid jointly by the senate and house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The work group shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2010.

(6) This section expires June 1, 2011."

Senator 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 Hargrove and King to Substitute Senate Bill No. 6733.

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

## MOTION

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

2010 REGULAR SESSION

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King 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. 6733.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6733 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6733, 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. 6244 which had been deferred earlier in the day.

## MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Honeyford and Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The state building code council shall:

(a) Review local and nationally recognized green building and energy efficiency programs, standards, and codes currently in use or being developed for use by 2012 that: (i) Establish criteria for energy efficiency, indoor air quality, environmental responsibility, and resource efficiency, including a life cycle assessment of building products; (ii) provides for varying levels of certified green homes; and (iii) establishes energy efficiency levels;

(b) Review local or national green building and energy efficiency programs, standards, and codes establishing national accreditation or certification criteria for third-party inspection agencies and firms conducting plan review and inspection services as a method to verify compliance with the green building or energy efficiency program, standard, or code;

(c) Evaluate the feasibility of creating a residential energy code appendix that is consistent with the state energy code adopted under chapter 19.27A RCW and RCW 19.27A.015 for local jurisdictions to adopt by reference; and

(d) Identify and evaluate the impacts to local jurisdictions required to implement this act.

(2)(a) The state building code council shall conduct the study required under subsection (1) of this section in collaboration with interested stakeholders including representatives of the department of commerce, the Washington State University extension energy office, the Washington association of realtors, the Washington association of building officials, the building industry association of Washington, local master builder association green programs, the appraiser coalition of Washington, and the American institute of architects, Washington council.

(b) The state building code council shall provide a report of its findings to the legislature by December 1, 2011. The report must include recommendations for the expected percent of energy efficiency gains that may be achieved above national model energy codes; provide recommendations to facilitate implementation by local jurisdictions of the definitions for energy efficient home and green home; recommendations for consideration of the embodied energy consumption in differing types of construction materials; and identify impacts to the housing market.

**NEW SECTION. Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

(1) By December 1, 2012, the state building code council shall adopt rules, in conformity with chapter 34.05 RCW, to define: (a) Green home; and (b) energy efficient home for: (i) A group R-3 single-family dwelling unit; and (ii) a duplex residential dwelling unit or a townhouse residential dwelling unit constructed under the provisions of the international residential code or group R-2 apartment houses with residential dwelling units, as defined in section 310 of the 2009 international building code. The rules must be developed in consideration of the information and recommendations developed from the review of local and national energy efficient and green home criteria as required under section 1 of this act and in collaboration with interested stakeholders identified in section 1(2)(a) of this act.

(2) The state building code council must:

(a) Review the rules every three years coinciding with the reviews and updates to the Washington state energy code as required in chapter 423, Laws of 2009. The review of the definitions of green home and energy efficient home must be included as an element of the Washington state energy code progress report as required in chapter 423, Laws of 2009;

(b) Review the definitions of green home and energy efficient home in 2030. The definitions developed under subsection (1) of this section expire July 1, 2031, unless extended by the legislature; and

(c) Provide energy efficient home compliance methods that are consistent with the mandatory sections of the Washington state energy code, including a method to show compliance using the prescriptive, the component performance, or the systems analysis approaches, and prescribe labels for an energy efficient home that are consistent with energy efficiency labeling required by the energy code.

(3) The state building code council, after considering the feasibility of creating a residential energy code appendix, may publish an appendix of the requirements for an energy efficient home for each revised edition of the Washington state energy code.

(4) A local building department or a third-party inspector approved by a local building department may provide plan review and inspections for energy efficient homes."

Senators Fraser and Honeyford 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 Fraser, Honeyford and Rockefeller to Substitute Senate Bill No. 6244.

The motion by Senator Fraser 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 2 of the title, after "home;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and creating a new section."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Senator Marr, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6244.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6244 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Delvin, Holmquist and Morton

Excused: Senators Fairley and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, 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. 6367, by Senators Hatfield, Regala, Fairley, Fraser, Kohl-Welles and Roach

Allowing agencies to direct requesters to their web site for public records.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6367 was substituted for Senate Bill No. 6367 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Marr, Senators Haugen and Prentice were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6367 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, McCaslin and Prentice

SUBSTITUTE SENATE BILL NO. 6367, 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. 6467, by Senators Shin, Kastama, Delvin, Hobbs, Berkey, Rockefeller, Marr, Franklin, Kohl-Welles, Roach and Kline

Authorizing honorary degrees for students who were ordered into internment camps.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 6467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Marr, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6467.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6467 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

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

Absent: Senators Benton and Brown

Excused: Senators Fairley, Haugen, McCaslin and Prentice

SENATE BILL NO. 6467, 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. 6430, by Senators McDermott, Parlette and Tom

Concerning ballot envelopes.

The measure was read the second time.

MOTION

Senator McDermott moved that the following amendment by Senator Fairley be adopted.

On page 2, after line 30, insert the following:

"NEW SECTION. **Sec. 2.** 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."

Senator McDermott 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 Fairley on page 2, after line 30 to Senate Bill No. 6430.

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

MOTION

On motion of Senator Brandland, Senator Benton was excused.

MOTION

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

On page 1, line 1 of the title, after "envelopes;" strike the remainder of the title and insert "amending RCW 29A.40.091; and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 6430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6430.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6430 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

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

Voting nay: Senators Gordon and Holmquist

Excused: Senators Benton, Fairley, Haugen and McCaslin  
 ENGROSSED SENATE BILL NO. 6430, 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. 6241, by Senators Kilmer and Delvin

Creating community facilities districts.

### MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on the second reading and read the second time.

### MOTION

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

Strike everything after the enacting clause and insert the following:

## "PART I GENERAL PROVISIONS

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

(1) The state is projected to experience substantial population growth in the next two decades and this growth will require substantial new housing, places of employment, community facilities, and supporting local, subregional, and regional infrastructure;

(2) In most areas of the state projected to accommodate substantial growth, there are inadequate community facilities and infrastructure to facilitate and support such growth. In addition, current public financing options and resources are not adequate to provide the needed community facilities and local, subregional, and regional infrastructure;

(3) A more flexible type of financing mechanism known as a community facilities district should be available to counties, cities, and towns so that needed community facilities and local, subregional, and regional infrastructure can be provided;

(4) This chapter is intended to facilitate voluntary landowner financing of community facilities and local, subregional, and regional infrastructure by authorizing the creation of community facilities districts, while creating jobs and facilitating economic development; and

(5) It is in the interest of the people of the state of Washington to authorize the establishment of community facility districts as independently governed, special purpose districts, vested with the corporate authority included under Article VII, section 9 of the state Constitution to make local improvements in accordance with this chapter and to carry out the purposes specifically authorized under this chapter.

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

(1) "Board of supervisors" or "board" means the governing body of a community facilities district.

(2) "Community facilities district" or "district" means a district created under this chapter.

(3) "Facility" or "facilities" means the local improvements included under section 501 of this act.

(4) "Legislative authority" means the governing body of a county, city, or town to which a petition or amended petition is submitted.

(a) If the proposed district is located entirely within unincorporated land, then the county is the exclusive "legislative authority" for purposes of approving formation of the district under sections 201 through 206 of this act, inclusive, and section 301 of this act.

(b) If all or a portion of the proposed district is located within unincorporated land that is entirely surrounded by an incorporated city or town, then the "legislative authority" for purposes of approving formation of the district under sections 201 through 206 of this act, inclusive, and section 301 of this act includes the governing bodies of the county and the city or town surrounding the unincorporated land.

(c) If the proposed district is located entirely within incorporated land, then the city or town is the exclusive "legislative authority" for purposes of this chapter, and all powers and responsibilities of a county under this chapter must be exercised by that city or town.

(5) "Petition" means a request, meeting the requirements of section 201 of this act, made by landowners to form a community facilities district and to voluntarily submit their land to the assessments authorized under this chapter and includes an amended petition meeting the requirements of section 201(3) of this act.

(6) "Special assessment" means an assessment imposed in accordance with the requirements of this chapter.

## PART II COMMUNITY FACILITIES DISTRICT FORMATION

**NEW SECTION. Sec. 201.** Community facilities districts are authorized to be formed for the purposes authorized under this chapter. Community facilities districts may only include land within urban growth areas designated under the state growth management act, located in portions of one or more cities, towns, or counties when created in accordance with this chapter. A district may include one or more noncontiguous tracts, lots, parcels, or other properties meeting the requirements of this chapter.

(1) To form a community facilities district, a petition must be presented to the applicable legislative authorities. The petition must:

(a) Designate and describe the boundaries of the district by metes and bounds or reference to United States townships, ranges, and legal subdivisions;

(b) Be executed by one hundred percent of all owners of private property located within the boundaries of the proposed district. The property owners must include a request to subject their property to the assessments, up to the amount included in the petition and authorized under this chapter;

(c) Include a certification by the petitioners that they want to voluntarily submit their property to the authority of the district under this chapter to approve the petitioner's request to submit their property to the assessments, up to the amount included in the petition and authorized under this chapter;

(d) Include a general explanation of the objective and plan of the district and describe the specific facilities that the district anticipates financing;

(e) Declare the district will be conducive to public health, safety, and welfare;

(f) Assert that the purpose for forming the district will be a benefit to the land located in the district;

(g) Be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process;

(h) Include a list of petitioners or representatives thereof who are willing and able to serve on the board of supervisors. All



THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

petitioners within a proposed district who are natural persons, or natural persons who are designated representatives of petitioners, are eligible to include their name on the list of eligible supervisors. The petitioners may nominate qualified professions to serve on the board of supervisors in lieu of the petitioners or representatives of the petitioners;

(i) If it proposes a special assessment, include: (i) A diagram showing each separate lot, tract, parcel of land, or other property in the district; (ii) the acreage of the property; (iii) the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; (iv) a preliminary assessment roll showing the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property; and (v) a proposed method or combination of methods for computing special assessments, determining the benefit to assessed property or use from facilities or improvements funded directly or indirectly by special assessments under this chapter; and

(j) Include an explanation of what security will be provided to ensure the timely payment of assessments and the timely payment of bonds issued by the district.

(2) The petition must be filed with the auditor of each county in which property included within the proposed district is located. The auditor for the county in which the largest geographic portion of the proposed district is located must be the lead auditor for the purposes of this section. Within thirty days of the lead auditor's receipt of the petition, the lead auditor must confirm that the petition has been validly executed by one hundred percent of all owners of the property located within the proposed district, including confirmation by the auditors of all other counties with whom the petition was filed. Within ten days of the lead auditor's finding that the petition either does or does not contain the required signatures, the lead auditor must either (a) transmit the petition, together with a certificate of sufficiency attached thereto, to each legislative authority petitioned for formation of the district; or (b) return the petition to the petitioners with a list of property owners who must sign the petition in order to comply with this section. There are no restrictions on the number of petitions that may be submitted by one or more property owners.

(3) A petition may be amended for any reason if the amendment is signed by one hundred percent of the owners of property located within the district proposed in the amended petition.

**NEW SECTION. Sec. 202.** A public hearing on the petition for formation of a district must be held by each applicable legislative authority, not less than thirty, but not more than sixty days, from the date that the lead county auditor issues the certificate of sufficiency required under section 201 of this act.

**NEW SECTION. Sec. 203.** Notice of all public hearings must include a description of the proposal, be mailed to all petitioners, and must be published once a week for three consecutive weeks in the official paper for each applicable legislative authority, prior to the date set for the hearing. The notice must be posted for not less than fifteen days prior to the date of the hearing in each of three public places within the boundaries of the proposed district and in three public places for each applicable legislative authority. Each notice must contain the time, date, and place of the public hearing.

**NEW SECTION. Sec. 204.** At the time and place of the public hearing, the legislative authority must consider the petition. The legislative authority may receive any evidence it deems material that supports or opposes the formation of the district, including the inclusion or exclusion of land. Unless an amended petition satisfying the requirements of section 201 of this act is approved in accordance with the requirements of this chapter, no land outside the boundaries described in the petition may be included within the proposed district. No land inside the

boundaries of an approved petition may be removed from the district unless an amended petition satisfying the requirements of section 201 of this act is approved in accordance with the requirements of this chapter.

**NEW SECTION. Sec. 205.** (1) The legislative authority may act on the petition to form a community facilities district at the public hearing held under section 204 of this act and in no event may the legislative authority's decision be issued later than thirty days after the day of the public hearing. The applicable legislative authority may approve the petition by resolution if the applicable legislative authority determines, in its sole discretion, that the petitioners will benefit from the proposed district and that the formation of the district will be in the best interest of the county, city or town, as applicable, and that formation of the district is consistent with the requirements of Washington's growth management act.

(2) A community facilities district may not be formed unless each applicable legislative authority makes the finding required under subsection (1) of this section.

(3) All resolutions approving a petition must conform to the terms and conditions contained in the petition, including the maximum amounts of special assessments set forth in the petition, and must designate the name and number of the community facilities district being formed.

**NEW SECTION. Sec. 206.** (1) Any person who objects to formation of the district may appeal the final decision of a legislative authority to approve a petition for formation of a community facilities district by filing an appeal with the superior court of the county in which any part of the district is located within thirty days of the effective date of the resolution approving formation of the district.

(2) If no appeal is timely filed, then the legislative authority's decision is deemed valid, complete, and final, and neither the legal existence of the district, nor the terms and conditions of an approved petition can thereafter be challenged or questioned by any person on the grounds of procedural defect or otherwise. Certified copies of each resolution approving a district must be filed with the auditor of the county or counties in which the community facilities district is located.

### PART III COMMUNITY FACILITIES DISTRICT BOARD OF SUPERVISORS

**NEW SECTION. Sec. 301.** (1) A community facilities district must be governed by a board of supervisors possessing the powers set forth under section 401 of this act. The board of supervisors must be appointed by each applicable legislative authority within sixty days of the formation of the district. Except as expressly provided under this section, each applicable legislative authority is authorized to appoint members to the board of supervisors only from among the members of its own governing body. Each applicable legislative authority must appoint the petitioner members or nominees required under subsection (2) or (3) of this section. The term of office of each supervisor is three years and until a successor is appointed, except that the supervisors first appointed serve for one and two years respectively from the date of their appointments, as designated in their appointments.

(2) Except as provided in subsection (3) of this section, if the proposed district is located entirely within a single jurisdiction, then the board of supervisors consists of: (a) Three members of the legislative authority of the jurisdiction; and (b) two members appointed from among the list of eligible supervisors included in the petition as provided in section 201(1)(h) of this act. All members of the board of supervisors must be natural persons.

(3) If all or a portion of the proposed district is located within unincorporated land that is entirely surrounded by an incorporated city or town, then the board of supervisors consists of: (a) Two members appointed from the county legislative authority; (b) two members appointed from the legislative authority of the city or town that is the additional legislative authority under section 102(4) of this act; and (c) one member appointed from the list of eligible petitioners included in the petition as provided in section 201(1)(h) of this act, depending on the number of additional members that are required to result in an overall odd number of supervisors.

(4) If the county, city, or town is the exclusive legislative authority pursuant to section 102 of this act, then the board of supervisors consists of: (a) Three members appointed from such county, city, or town; and (b) two members from the list of eligible petitioners or nominees included in the petition, as provided in section 201(1)(h) of this act, to result in an overall odd number of supervisors.

(5) The legislative authorities may appoint qualified professionals with expertise in municipal finance in lieu of one or more appointments authorized in this section. A jurisdiction's appointments to the board of supervisors may consist of a combination of qualified professionals authorized under this section and one or more members from the applicable legislative authority. Nothing contained in this section authorizes a legislative authority to exceed the maximum number of appointments set forth under subsection (2) or (3) of this section.

(6) A vacancy on the board must be filled by the legislative authority authorized to make the appointment to the applicable supervisor position under this section. Vacancies must be filled by a person in the same position vacating the board, which for initial petitioner members or nominees includes successor owners of property located within the boundaries of an approved district. If the approved district was originally located entirely on unincorporated land and the unincorporated land has been annexed into a city or town, then, as of the effective date of annexation, the city or town is deemed the exclusive legislative authority for the purposes of this chapter and the composition of the board must be structured accordingly, as provided in this section. Supervisors must serve without compensation, but they are entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties. The board must designate a chair from time to time.

#### PART IV

##### COMMUNITY FACILITIES DISTRICT POWERS

**NEW SECTION. Sec. 401.** (1) A community facilities district created in accordance with this chapter is an independently governed, special purpose district, vested with the corporate authority included under Article VII, section 9 of the state Constitution to make local improvements by special assessment in accordance with this chapter. Nothing in this chapter exempts the public improvements and facilities provided by a district from the regulatory and land use permitting requirements of the county, city, or town in which the improvements are to be located.

(2) Subject to the terms and conditions of an approved petition, a community facilities district has the powers necessary to carry out the specific purposes authorized under this chapter in order to carry out the specific objectives, plan, and facilities identified in the approved petition including, but not limited to, the authority to:

(a) Acquire, purchase, hold, lease, finance, manage, occupy, construct, and sell real and personal property, facilities, or any interest therein, either inside or outside of the boundaries of the district, except that any such property, facilities, or interests outside the boundaries of the district must directly serve facilities or benefit properties within the district;

(b) Finance and construct facilities authorized under this chapter;

(c) Enter into and perform any and all contracts;

(d) Levy and enforce the collection of special assessments against the property included within a district;

(e) Enter into lease-purchase agreements with or without an option to purchase;

(f) Enter into executory conditional sales contracts, leases, and installment promissory notes;

(g) Borrow money to the extent and in the manner authorized by this chapter;

(h) Hold in trust property useful to accomplishment of the authority granted under this chapter;

(i) Issue revenue bonds in accordance with chapter 39.46 RCW and assessment bonds in accordance with chapter 35.45 RCW, and the requirements of this chapter, payable from revenue or assessments, respectively, of the district that is legally available to be pledged to secure the bonds;

(j) Contract with any municipal corporation, governmental, or private agencies to carry out the purposes authorized by this chapter;

(k) Sue and be sued;

(l) Accept and receive on behalf of the district any money or property donated, devised, or bequeathed to the district and carry out the terms of the donation, devise, or bequest, if it is within the powers granted by law to community facilities districts or, in the absence of such terms, expend or use the money or property for district purposes as determined by the board of supervisors;

(m) Transfer to any county, city, or other municipal corporation, without compensation, any property or other assets of the district; and

(n) Do any and all lawful acts required and expedient to carry out the express authority provided in this chapter.

#### PART V

##### COMMUNITY FACILITIES DISTRICT FINANCES

**NEW SECTION. Sec. 501.** (1) Through the use of district revenue derived through special assessments and bonds authorized under this chapter and, consistent with the terms and conditions of a petition approved in accordance with this chapter, a community facilities district may finance all or a portion of the following costs, expenses, and facilities whether located inside or outside the boundaries of an approved district:

(a) The cost, or any portion thereof, of the purchase, finance, lease, sublease, construction, expansion, improvement, or rehabilitation of any facility with an estimated life of five years or longer;

(b) The planning and design work that is directly related to the purchase, construction, expansion, improvement, or rehabilitation of a facility, including engineering, architectural, planning, and inspection costs;

(c) Facilities listed in RCW 35.43.040 to the extent not specified in this section;

(d) Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use, and discharge;

(e) Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use, and discharge;

(f) Water systems for domestic, industrial, irrigation, municipal, or community facilities purposes, including production, collection, storage, treatment, transport, delivery, connection, and dispersal;

(g) Highways, streets, roadways, and parking facilities, including all areas for vehicular use for travel, ingress, egress, and parking;

(h) Areas for pedestrian, equestrian, bicycle, or other nonmotor vehicle use for travel, ingress, egress, and parking;

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

(i) Pedestrian malls, parks, recreational facilities, and open-space facilities for the use of members of the public for entertainment, assembly, and recreation;

(j) Landscaping, including earthworks, structures, lakes, and other water features, plants, trees, and related water delivery systems;

(k) Public buildings, public safety facilities, and community facilities;

(l) Publicly owned natural gas transmission and distribution facilities, facilities for the transmission or distribution of electrical energy, and limited communications facilities, specifically poles, trenches, and conduits, for use of any communications provider;

(m) Street lighting;

(n) Traffic control systems and devices, including signals, controls, markings, and signage;

(o) Systems of surface, underground, or overhead railways, tramways, buses, or any other means of mass transportation facilities, including passenger, terminal, station parking, and related facilities and areas for passenger and vehicular use for travel, ingress, egress, and parking;

(p) Library, educational, and cultural facilities; and

(q) Facilities similar to those listed in this section.

(2) The district may not finance public or private residential dwellings, nonprofit facilities as defined in RCW 43.180.300, health care facilities as defined in RCW 70.37.020, higher education institutions as defined in RCW 28B.07.020, or economic development activities as defined in RCW 43.163.010.

**NEW SECTION. Sec. 502.** (1) The board of supervisors of a community facilities district may impose special assessments on property located inside the district and benefited by the facilities and improvements provided, or to be provided, by a district, whether the facilities and improvements are located inside or outside of the boundaries of the proposed district. The requirements and powers of a district relating to the formation, assessment, collection, foreclosure, and other powers of a special assessment district are as set forth in chapters 35.43, 35.44, 35.49, and 35.50 RCW, except where otherwise addressed under this chapter. In any case where the provisions of this chapter conflict with the requirements under any other chapter that applies to the formation, assessment, collection, foreclosure, or other powers of a special assessment district, the provisions of this chapter control.

(2) Except as otherwise expressly provided under this chapter, the special assessments imposed and collected on property within a district may not exceed the amount set forth in a petition or amended petition approved in accordance with this chapter.

(3) The term of the special assessment is limited to the lesser of (a) twenty-eight years or (b) two years less than the term of any bonds issued by or on behalf of the district to which the assessments or other revenue of the district is specifically dedicated, pledged, or obligated.

(4) The computation of special assessments must follow the requirements of chapter 35.44 RCW, including the authority to use any method or combination of methods to compute assessments which may be deemed by the board of supervisors to fairly reflect the benefit to the properties being assessed. The method of assessment may utilize the supplemental authority granted under chapter 35.51 RCW. A petition meeting the requirements of section 201 of this act may provide for the reduction or waiver of special assessments for low-income households as that term is defined in RCW 36.130.010.

(5) The board must set a date, time, and place for hearing any objections to the assessment roll, which hearing must occur no later than one hundred twenty days from final approval of formation of the district. Petitioners or representatives thereof serving on the board of supervisors must not participate in the determination of the

special assessment roll or vote on the confirmation of that assessment roll. The restriction in this subsection does not apply to members of the board of supervisors appointed from among the qualified professionals that petitioners may nominate under section 201(1)(h) of this act.

(6) The procedures and requirements for assessments, hearings on the assessment roll, filing of objections to the assessment roll, and appeals from the decision of the board approving or rejecting the assessment roll, must be as set forth in RCW 35.44.010 through 35.44.020, 35.44.080 through 35.44.110, and 35.44.190 through 35.44.270.

(7) At the hearing on the assessment roll and, in no event later than thirty days after the day of the hearing, the board may adopt a resolution approving the assessment roll or may correct, revise, raise, lower, change, or modify the assessment roll or any part thereof, and provide the petitioner with a detailed explanation of the changes made by the board.

(8) If the assessment roll is revised by the board in any way, then, within thirty days of the board's decision, the petitioner(s) must unanimously make one of the following elections: (a) Rescind the petition; or (b) accept the changes made by the board, upon which occurrence the board must adopt a resolution approving the assessment roll as modified by the board.

(9) Reassessments, assessments on omitted property, and supplemental assessments are governed by the provisions set forth under chapter 35.44 RCW.

(10) Any assessment approved under the provisions of this chapter may be segregated upon a petition of one hundred percent of the owners of the property subject to the assessment to be segregated. The segregation must be made as nearly as possible on the same basis as the original assessment was levied and approved by the board. The board, in approving a petition for segregation and amendment of the assessment roll, must do so in a fashion such that the total of the segregated parts of the assessment equal the assessment before segregation. As to any property originally entered upon the roll the assessment upon which has not been raised, no objections to the approval of the petition for segregation, the resulting assessment, or the amended assessment roll may be considered by the jurisdiction in which the district is located, the board, or by any court on appeal. Assessments must be collected in districts pursuant to the district's previous assessment roll until the amendment to the assessment roll is finalized under this section.

(11) Except as provided under chapter 35.44 RCW, assessments may not be increased without the approval of one hundred percent of the property owners subject to the proposed increase.

(12) Special assessments must be collected by the district treasurer determined in accordance with section 505 of this act.

(13) A notice of any special assessment imposed under this chapter must be provided to the owner of the assessed property, not less than once per year, with the following appearing at the top of the page in at least fourteen point, bold font:

\*\*\*NOTICE\*\*\*

THIS PROPERTY IS SUBJECT TO THE ASSESSMENTS ITEMIZED BELOW AND APPROVED BY COMMUNITY FACILITIES DISTRICT # . . . . . AS THE OWNER OR POTENTIAL BUYER OF THIS PROPERTY, YOU ARE, OR WOULD BE, RESPONSIBLE FOR PAYMENT OF THE AMOUNTS ITEMIZED BELOW. PLEASE REFER TO RCW 36.--.-- (section 502, chapter . . . , Laws of 2010 (section 502 of this act)) OR CONTACT YOUR COUNTY AUDITOR FOR ADDITIONAL INFORMATION.

(14) The district treasurer responsible for collecting special assessments may account for the costs of handling the assessments and may collect a fee not to exceed the measurable costs incurred by the treasurer.

**NEW SECTION. Sec. 503.** (1) The district may utilize the special assessments and revenue derived in accordance with this chapter for the payment of principal and interest on bonds issued pursuant to the authority granted under this chapter to fund or reimburse the costs of facilities authorized under this chapter and prior to the issuance of bonds, may utilize the revenue to directly fund the costs of providing the facilities authorized under this chapter on a pay-as-you-go basis.

(2) The board of supervisors may establish, administer, and pay or otherwise dedicate, pledge, or obligate the assessments and revenue generated in accordance with this chapter into a specific fund created by or on behalf of the district, in order to guarantee payment of obligations incurred in connection with facilities provided under this chapter, including the payment of principal and interest on any bonds issued by or on behalf of the district.

(3) The proceeds of any bond issued pursuant to this chapter may be used to pay any and all costs related to providing the facilities authorized under this chapter, including expenses incurred in connection with issuance of the bonds.

(4) The reporting requirements of RCW 39.44.210 apply to any bond issuance under this chapter.

**NEW SECTION. Sec. 504.** No bonds issued by or on behalf of a community facilities district are obligations of any city, town, county, or the state of Washington or any political subdivision thereof other than the district and the bonds must so state.

**NEW SECTION. Sec. 505.** (1) If a district includes land that is entirely within a county and the land is not surrounded entirely by a city or town, then the treasurer of that county is the treasurer of the district. If a district includes land that is entirely within a county and the land is entirely surrounded by a city or town, or, if parts of the district include land within or surrounded by more than one jurisdiction, then the board of supervisors may, with the concurrence of the treasurers of all jurisdictions within which the district lies, appoint the treasurer of any of those jurisdictions to serve as the district treasurer. Except as specifically provided under this chapter, the duties of a district treasurer are as provided under applicable law.

(2) The district treasurer must establish a community facilities district fund, into which must be paid all district revenues. The district treasurer must also maintain any special funds created by the board of supervisors of the community facilities district, into which the district treasurer must place all money as the board of supervisors may, by resolution, direct. The treasurer may create such subfunds, accounts, and subaccounts as he or she deems necessary, consistent with applicable law.

(3) The district treasurer must pay assessment bonds and revenue bonds and the accrued interest thereon in accordance with their terms from the appropriate fund when interest or principal payments become due.

(4) All interest collected on community facilities district funds belongs to the district and must be deposited to its credit in the proper district funds.

## PART VI MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 601.** All assessments imposed on the respective lots, tracts, parcels of land, and other property included within the boundaries of an approved district in accordance with this chapter, are a lien upon the property from the date of final approval and are paramount and superior to any other lien or encumbrance

whatsoever, theretofore or thereafter created, except a lien for general taxes.

**NEW SECTION. Sec. 602.** Sections 101 through 601 of this act constitute a new chapter in Title 36 RCW.

**NEW SECTION. Sec. 603.** 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."

Senator Kilmer 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 Kilmer and Zarelli to Substitute Senate Bill No. 6241.

The motion by Senator Kilmer 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 "districts;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Zarelli spoke in favor of the passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6241.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

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

Voting nay: Senators Pflug and Roach

Excused: Senators Benton, Fairley, Haugen and McCaslin

ENGROSED SUBSTITUTE SENATE BILL NO. 6241, 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 Brandland, Senator Carrell was excused.

### SECOND READING

SENATE BILL NO. 6332, by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

Concerning human trafficking.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6332 was substituted for Senate Bill No. 6332 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6332 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 Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6332 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Excused: Senators Benton, Carrell, Fairley, Haugen and McCaslin

SUBSTITUTE SENATE BILL NO. 6332, 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 Delvin, Senator Carrell was excused.

SECOND READING

SENATE BILL NO. 6656, by Senators Murray, Rockefeller, Fraser and Shin

Authorizing a local financing tool to fund energy efficiency upgrades and removing financial barriers to implementing energy conservation programs. Revised for 1st Substitute: Implementing a pilot program for energy conservation services.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6656 was substituted for Senate Bill No. 6656 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that Washington state has the opportunity to realize a prosperous, affordable, and clean energy future through energy efficiency.

(2) The pilot financing mechanism established in this chapter may enable local governments to expand and improve existing energy conservation and energy efficiency loan programs to aid the private and nonprofit sectors in undertaking residential, commercial, and industrial energy efficiency upgrades.

(3) The legislature finds that this financing tool may lead to reductions in household energy bills, provide incentives for the creation of new family-wage jobs in construction, manufacturing, and installation of energy-saving products, encourage investments by the utility sector in a cleaner environment, decrease the need for new power plant construction, and increase energy security.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Energy conservation equipment" means equipment for the conservation or more efficient use of energy, regardless of source, installed at or near the intended place of use. However, the equipment may not include any individual equipment or co-owned and controlled cluster of equipment with a generating capacity that exceeds the net metering system electrical generating capacity threshold established in RCW 80.60.010(10)(a). Energy conservation equipment includes, but is not limited to: Weatherizing equipment; energy-conserving lighting systems, heating and cooling systems, equipment to replace inefficient wood burning heating devices, and appliances; and equipment or systems that permit owners or substantial users of property or equipment to generate all or a portion of their own electricity through the on-site installation of distributed electricity generation systems that use as fuel solar, wind, geothermal, or hydropower, or other renewable resources available on-site and not from a commercial source.

(2) "Energy conservation services" means the provision of services to assist owners or substantial users of structures or energy conservation equipment in the acquisition, installation, and operation of energy conservation equipment, fixtures, or improvements. Energy conservation services include, but are not limited to: Energy audit services; weatherization services; energy conservation equipment financing, acquisition, and installation services; services to replace inefficient wood burning heating devices; and other measures to reduce energy on-site consumption regardless of source. Energy conservation services may not be considered "a conversion from one energy source to another" that is limited to the change or substitution of one commercial energy supplier for another commercial energy supplier.

(3) "Municipality" means a city or town.

**NEW SECTION. Sec. 3.** The provision of energy conservation services under this chapter is declared to be a public use and a public and municipal purpose, which may be conducted through a public utility operated by a municipality. Energy conservation services may be provided through an existing utility system already operated by the municipality. A municipality that provides energy conservation services under this chapter is declared to be engaged in the sale or distribution of energy services under Article VIII, section 10 of the state Constitution.

**NEW SECTION. Sec. 4.** (1)(a) The authority provided under this chapter applies to municipalities wholly located within the electric service territories of Tacoma public utilities, Seattle city light, and Puget Sound energy as of the effective date of this section.

(b) The authorization in (a) of this subsection is limited to the municipality's boundaries and do not extend to any unincorporated areas in an electric utility's service area.

(2)(a) By ordinance, a municipality may create an energy conservation services utility for the purpose of providing to its inhabitants and property owners energy conservation services that lead to the more efficient consumption of energy resources, from whatever source generated, and may construct, purchase, acquire,

lease, add to, extend, maintain, and operate a system or program of energy conservation services.

(b) Prior to creating an energy conservation services utility, the legislative authority of the municipality must hold a public hearing and make a legislative determination, based on presentations at the hearing, that the energy conservation services proposed to be provided by the municipality will make available additional or complementary services, target underserved areas or populations, or otherwise add incremental value to the preexisting programs and services provided by an electric or natural gas energy distribution utility servicing the municipality.

(c) Energy conservation services are only authorized under this chapter if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource that could be acquired to meet future demand.

(3) For the purpose of providing energy conservation services, the municipality has the full power to operate and regulate such systems and programs; to enter into agreements for the maintenance and operation of any facilities, equipment, or systems, under such terms and conditions as may be determined by the legislative authority of the municipality to be in the municipality's interest; and other powers as may be necessary for the provision and financing of energy conservation services. Nothing in this chapter authorizes any municipality to generate, transmit, distribute, or sell electricity. Nothing in this chapter may be construed to restrain or limit the authority of any individual, partnership, corporation, private utility, or public utility from establishing and providing energy conservation services.

(4) The legislative authority of the municipality has full authority to set rates or charges for energy conservation services provided to customers of the energy conservation service utility if the rates charged are uniform for the same class of customer or service. In classifying customers served or services furnished, the legislative authority may consider: The difference in cost of services to the various customers; the location of the various customers within the municipality; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the services furnished various customers; the quantity and quality of the services furnished; and any other matters that present a reasonable difference as a ground for distinction. The legislative authority of the municipality has the full authority to regulate and control the energy conservation services so delivered, together with the right to handle and sell or lease any energy conservation equipment, fixtures, or accessories of any kind, necessary and convenient for the provision of energy conservation services.

(5) A qualifying utility under RCW 19.280.030 that serves a municipality providing energy conservation services under this chapter may exclusively claim the energy savings achieved by the energy conservation services for purposes of complying with RCW 19.280.040. At the request of the qualifying utility, municipalities must provide the qualifying utility, the department of commerce, and the Washington utilities and transportation commission with any relevant data to effectuate this purpose.

(6) A municipality may issue general obligation or revenue bonds, notes, warrants, or other evidences of indebtedness for the purposes of providing all or part of the costs of providing energy conservation services, which shall be issued and sold in accordance with chapters 39.44, 39.46, 39.50, and 39.53 RCW. No municipality may enter into a contract to sell loans financed by an energy services conservation utility to a third party for the purpose of securitizing those loans without approval by the legislative authority of the municipality. Any contract that requires a municipality to service loans that it originated must limit the liability of the municipality by prohibiting the commingling of its loans in a

securities instrument with loans issued by other parties. No indebtedness may be issued after June 30, 2015. However, indebtedness previously issued may continue to be serviced.

(7) Municipalities providing energy conservation services under this chapter must establish quality assurance programs that must include the following: (a) A requirement that contractors be prequalified; (b) the maintenance of a list of prequalified contractors; (c) the creation of minimum standards for prequalified contractors that include: (i) Legal compliance procedures; (ii) proper classification of employees; (iii) use of a qualified energy efficiency workforce if such workers are available; and (iv) maintenance of records needed to verify compliance; and (d) a third-party, independent verification process.

(8) The authority granted in this chapter must be consistent with, and not limit, supplant, replace, or conflict with, any authority to provide energy conservation services through an existing municipal utility.

(9) Energy conservation service utilities formed under this chapter must file annual reports stating the number of customers served, the amount of assistance per customer, the estimated energy savings per customer, and the effectiveness of their quality assurance programs. Municipalities must submit their reports to the respective electric utilities serving their residents, which must consolidate the reports and submit them electronically to the appropriate legislative committees by December 1st each year until the expiration of the pilot program.

**NEW SECTION. Sec. 5.** (1) Any municipality engaged in the provision of energy conservation services under this chapter is authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures or equipment pursuant to an energy conservation plan adopted by the municipality if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource that could be acquired to meet future demand. Any financing authorized under this chapter may only be used for energy conservation services in existing structures.

(2) Except where otherwise authorized, such assistance is limited to:

(a) Providing an inspection of the structure or equipment, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of the materials or equipment;

(b) Providing a list of businesses that sell and install the materials and equipment within or in close proximity to the service area of the municipality, each of which businesses must have requested to be included and must have the ability to provide the products in a workmanlike manner and to utilize the materials in accordance with the prevailing national standards;

(c) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying the installation; and

(d) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. The materials and equipment must be purchased from a private business and be installed by a private business or the owner.

(3)(a) Pay back must be in the form of incremental additions to an existing local government utility or tax bill, billed either together with use charge or separately. Loans may not exceed two hundred

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

forty months in length. The municipality may make assistance available in the form of grants made under this chapter for energy conservation improvements to existing structures owned or occupied by persons qualifying as poor or infirm consistent with the state Constitution.

(b) If pay back is in the form of incremental additions to a property tax bill, and if a servicer maintains an escrow account for a borrower of the energy conservation services related to the property, then the municipality shall contact the servicer of the existing escrow within thirty days to communicate the incremental increase in monthly payments required to make the energy conservation services payment when due.

(4) The municipal legislative authority shall approve the aggregate amount of such loans and the repayment terms by ordinance and may, by ordinance, delegate to staff the approval of individual loans consistent with loan program guidelines approved in the ordinance. The municipality and the property owner shall enter into a loan agreement setting forth the terms of the loan, which agreement may provide for acceleration in the event a loan installment is delinquent. In order to secure loans, the municipality shall have a statutory lien on the property, not exceeding five percent of the assessed value of the property as of the last assessment preceding the loan funding date, on which energy conservation improvements so financed are installed or constructed. The statutory lien shall be paramount and superior to any other lien or encumbrance thereafter created except a lien for general taxes, special assessment district assessments, and liens filed under RCW 35.92.360, 54.16.280, or 36.94.460. Any lien for any amount in excess of five percent of the assessed value of the property may be obtained and perfected in accordance with applicable law. The loan shall be a lien upon property from the time the loan agreement is executed. If the municipal legislative authority in granting loans has acted in good faith and without fraud, the loan shall be valid and enforceable as such and the lien thereof upon the property shall be valid.

(5) The municipality may foreclose a lien in an action in the superior court. All or any of the tracts subject to such a lien may be proceeded against in a single action, and all parties appearing of record as owning or claiming to own or having an interest in or lien upon the tracts involved shall be impleaded in the action as parties defendant. An action to foreclose a lien must be commenced within two years after the date that the loan first becomes subject to acceleration under the loan documents. Liens to secure loans may be foreclosed in the manner provided by RCW 35.67.250 through 35.67.270.

(6) The municipality may pledge revenues from loan payments to secure and repay general obligation or revenue bonds, notes, or other forms of indebtedness issued by or on behalf of the municipality, which indebtedness shall be issued in accordance with this chapter and chapters 39.44, 39.46, 39.50, and 39.53 RCW. For the purpose of securing the payment of the principal of and interest on any bonds or notes, the municipality may create a reserve fund. The principal amount of any loan may include a proportionate share of the costs of issuing the bonds, notes, or other indebtedness, and may include up to an additional amount to fund a reserve fund, consistent with RCW 39.44.140. The bonds, warrants, or other evidences of indebtedness shall be deemed to be for capital purposes within the meaning of the uniform system of accounts for municipal corporations.

**Sec. 6.** RCW 35.92.070 and 1987 c 145 s 1 are each amended to read as follows:

When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility, or make any additions and betterments thereto or extensions thereof, it shall provide therefor by ordinance, which shall specify

and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the ordinance shall be submitted for ratification or rejection by majority vote of the voters of the city or town at a general or special election.

(1) No submission shall be necessary:

(a) When the work proposed is an addition to, or betterment of, extension of, or an increased water supply for existing waterworks, or an addition, betterment, or extension of an existing system or plant of any other public utility;

(b) When in the charter of a city a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities; ((or))

(c) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any body of water and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant; or

(d) When the governing body of a city or town deems it advisable to form an energy conservation services utility under chapter 35.-- RCW (the new chapter created in section 7 of this act).

(2) Notwithstanding subsection (1) of this section, submission to the voters shall be necessary if:

(a) The project or work may produce electricity for sale in excess of present or future needs of the water system;

(b) The city or town does not own or operate an electric utility system;

(c) The work involves an ownership greater than twenty-five percent in a new water supply project combined with an electric generation facility; and

(d) The combined facility has an installed capacity in excess of five megawatts.

(3) Notwithstanding subsection (1) of this section, submission to the voters shall be necessary to make extensions to a public utility which would expand the previous service capacity by fifty percent or more, where such increased service capacity is financed by the issuance of general obligation bonds.

(4) Thirty days' notice of the election shall be given in the official newspaper of the city or town, by publication at least once each week in the paper during such time.

(5) When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act expire June 30, 2015."

Senator Rockefeller 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 Rockefeller to Substitute Senate Bill No. 6656.

The motion by Senator Rockefeller 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 4 of the title, after "energy;" strike the remainder of the title and insert "amending RCW 35.92.070; adding a new chapter to Title 35 RCW; and providing an expiration date."

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Honeyford and Murray 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. 6656.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6656 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

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

Voting nay: Senators Holmquist and Stevens

Excused: Senators Fairley, Haugen and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, 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 TO LIMIT DEBATE

Senator Eide: "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 16, 2010."

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

The motion by Senator Eide carried and debate was limited through February 16, 2010 by voice vote.

## POINT OF ORDER

Senator Schoesler: "May Rule 29 be suspended for more than one day at a time?"

## REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, there's no time frame established within the rule and the practice of the Senate has been to allow it to go as long as the motion is made for it to go."

## MOTION

At 11:17 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

## MOTION

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

## MESSAGE FROM THE HOUSE

February 13, 2010

## MR. PRESIDENT

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1149,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1317,

ENGROSSED HOUSE BILL 2444,

ENGROSSED SUBSTITUTE HOUSE BILL 2504,

ENGROSSED SUBSTITUTE HOUSE BILL 2538,

ENGROSSED SUBSTITUTE HOUSE BILL 2547,

ENGROSSED SUBSTITUTE HOUSE BILL 2565,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2658,

ENGROSSED SUBSTITUTE HOUSE BILL 2747,

SUBSTITUTE HOUSE BILL 2790,

ENGROSSED SUBSTITUTE HOUSE BILL 2886,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2961,

ENGROSSED SUBSTITUTE HOUSE BILL 2986,

ENGROSSED SUBSTITUTE HOUSE BILL 3032,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3141.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

## SECOND READING

SENATE BILL NO. 6297, by Senator Franklin

Regarding certification of speech-language pathology assistants.

The measure was read the second time.

## MOTION



THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 6297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown, Kauffman and Kohl-Welles were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt, Holmquist, King and McCaslin were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6297.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6297 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Tom

Excused: Senators Holmquist, Kauffman, Kohl-Welles and McCaslin

SENATE BILL NO. 6297, 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. 6481, by Senators Morton, Schoesler, Holmquist, Hewitt, King, Delvin and Swecker

Clarifying which local governments have jurisdiction over conversion-related forest practices.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6481.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6481 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Holmquist, McCaslin and Tom

SENATE BILL NO. 6481, 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. 6338, by Senators Regala, Carrell, Hargrove, Shin and Kline

Providing transitional housing for persons at risk of experiencing homelessness. Revised for 1st Substitute: Concerning intermediate tenancies for persons with criminal backgrounds or substance abuse issues.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6338 was substituted for Senate Bill No. 6338 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6338, 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. 6343, by Senators Jacobsen, Kohl-Welles, Swecker, Haugen, Hatfield and Keiser

Establishing the Washington food policy council. Revised for 1st Substitute: Establishing the Washington food policy forum.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6343 was substituted for Senate Bill No. 6343 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Kauffman, Senator Marr was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6343.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6343 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist, Roach and Swecker

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6343, 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. 6459, by Senators Hobbs, Berkey, Marr and Schoesler

Concerning the inspection of rental properties.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6459 was substituted for Senate Bill No. 6459 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. 6459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs 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. 6459.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6459 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

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

Voting nay: Senators Franklin, Kohl-Welles, McDermott, Morton, Murray, Regala and Swecker

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6459, 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. 6298, by Senators Berkey, Rockefeller and Kline

Authorizing limited deposits of public funds with credit unions.

#### MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6298 was substituted for Senate Bill No. 6298 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6298.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6298 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

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

Voting nay: Senators Becker, Haugen, Hobbs, Holmquist, Honeyford, Parlette, Roach, Schoesler and Stevens

Absent: Senator Kline

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6298, 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. 6788, by Senators Brown, Morton, Delvin and Marr

Addressing the dissolution of the assets and affairs of a nonprofit corporation.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6788 was substituted for Senate Bill No. 6788 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6788 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6788.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6788 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Hewitt and Holmquist

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6788, 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. 6280, by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen and Kline

Concerning East Asian medicine practitioners.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 6280 was substituted for Senate Bill No. 6280 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton,

Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6280, 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. 6778, by Senators McAuliffe, Shin, Kauffman and Kline

Establishing an alternative route to a high school diploma.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6778 was substituted for Senate Bill No. 6778 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Hobbs be adopted. On page 2, after line 9, insert the following:

"(2) Successfully complete one occupational credit as defined in WAC 180-51-060;"

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

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Hobbs on page 2, after line 9 to Substitute Senate Bill No. 6778.

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

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Pridemore, Swecker, Kauffman, Parlette, King spoke in favor of passage of the bill.

Senators Tom, Murray and Pflug spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6778.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6778 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Ke King, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Parl Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Kilmer, McDermott, Morton, Murray, Pflug, Rockefeller, Stevens and Tom

Excused: Senators Brown and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 2:11 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:54 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6287, by Senators Fraser and Fairley

Concerning annexation of a city, partial city, or town to a fire protection district.

The measure was read the second time.

#### MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Fairley and Swecker be adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 52.04 RCW to read as follows:

All property located within the boundaries of a city, partial city as set forth in RCW 52.04.061(2), or town annexing into a fire protection district, which property is subject to an excess levy by the city or town for the repayment of voter-approved indebtedness for fire protection related capital improvements incurred prior to the effective date of the annexation is exempt from voter-approved excess property taxes levied by the annexing fire protection district for the repayment of indebtedness issued prior to the effective date of the annexation.

**NEW SECTION. Sec. 2.** 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."

Senators Fraser and Swecker 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 Fraser, Swecker and Fairley to Senate Bill No. 6287.

The motion by Senator Fraser 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 3 of the title, after "district," strike the remainder of the title and insert "adding a new section to chapter 52.04 RCW; and declaring an emergency."

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6287.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6287 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

ENGROSSED SENATE BILL NO. 6287, 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. 6556, by Senators Hatfield and Schoesler

Changing the fees for certain types of agricultural burning.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6556 was substituted for Senate Bill No. 6556 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6556 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Carrell, Holmquist, Marr, Morton and Stevens

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6556, 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. 6816, by Senator Schoesler

Concerning special permitting for certain farm implements.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6816 was substituted for Senate Bill No. 6816 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. 6816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler 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. 6816.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6816 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Pridemore, Kline, Rockefeller, Ranker, Tom, McDermott, Gordon and Keiser).

Changing the class of persons entitled to recoveries under a wrongful death action or survival action.

The bill was read on Third Reading.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute Senate Bill No. 6508 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Pridemore, Kline, Rockefeller, Ranker, Tom, McDermott, Gordon and Keiser)

Changing the class of persons entitled to recoveries under a wrongful death action or survival action.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Brandland be adopted.

In section 1 of the bill insert the following new subsection (3):

" (3) In any action under subsection (1)(a) of this section against the state or a political subdivision thereof that is based on a parent's significant involvement in an adult child's life, the liability of the state or political subdivision shall be several and not joint."

In section 3 of the bill insert the following new subsection (5):

"(5) In any action under subsection (2)(a) of this section against the state or a political subdivision thereof that is based on a parent's significant involvement in an adult child's life, the liability of the state or political subdivision shall be several and not joint."

In section 4 of the bill insert the following new subsection (6):

"(6) In any action under subsection (1) of this section against the state or a political subdivision thereof that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision shall be several and not joint."

After section 7 of the bill, insert a new section 8 as follows:

"Sec. 8. RCW 4.22.030 and 1986 c 305 s 402 are each amended to read as follows:

Except as otherwise provided in RCW 4.22.070, 4.20.020, 4.20.060, and 4.24.010, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such person shall be joint and several."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and

Brandland in section 1 to Engrossed Substitute Senate Bill No. 6508.

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

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

#### MOTION

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

Strike the title and insert the following:

"AN ACT relating to wrongful death or survival actions by changing the class of persons entitled to recoveries and by limiting the liability of state and local agencies or political subdivisions in those recoveries; amending 4.20.020, 4.20.046, 4.20.060, 4.22.030, and 4.24.010; creating new sections; and providing effective date."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Fairley, Gordon and Rockefeller spoke in favor of the passage of the bill.

Senator Sheldon spoke on final passage of the bill.

Senators Carrell and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 6508.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator McCaslin

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6202, by Senators Hargrove, Holmquist, Franklin, Honeyford, McCaslin, Regala, Morton, Keiser, Delvin, Swecker, Rockefeller, Tom, Kline, McAuliffe and Kilmer

Expanding provisions relating to vulnerable adults.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6202 was substituted for Senate Bill No. 6202 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. 6202 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.

#### MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6202.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6202 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and McCaslin

SUBSTITUTE SENATE BILL NO. 6202, 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. 6051, by Senators Murray, Pflug, Kohl-Welles, McAuliffe, Jarrett, Eide, Kline, Fairley, Jacobsen and McDermott

Removing an expiration date applicable to heritage and arts program funding.

#### MOTION

On motion of Senator Murray, Substitute Senate Bill No. 6051 was substituted for Senate Bill No. 6051 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.28.180 and 2007 c 189 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

(2) Any levy authorized by this section (~~(shall be)~~) is subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section (~~(shall)~~) must contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b)(i) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county (~~(shall be)~~) is exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160 (~~(= PROVIDED, That)~~). However, so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: ((#)) (A) In any county with a population of one million five hundred thousand or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; ((#)) (B) in any county with a population of one million five hundred thousand or more, for repayment or refinancing of bonded indebtedness incurred prior to January 1, 1997, for any purpose authorized by this section or relating to stadium repairs or rehabilitation, including but not limited to the cost of settling legal claims, reimbursing operating funds, interest payments on short-term loans, and any other purpose for which such debt has been incurred if the county has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.030; or ((#)) (C) in other counties, for county-owned facilities for agricultural promotion until January 1, 2009, and thereafter for any purpose authorized in this chapter.

(ii) A county is exempt under this subsection with respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013. If any county located east of the crest of the Cascade mountains has levied the tax authorized by this section and has, prior to June 26, 1975, pledged the tax revenue for payment of principal and interest on city revenue or general obligation bonds, the county is exempt under this subsection with respect to revenue or general obligation bonds issued after January 1, 2007, only if the bonds mature before January 1, 2021. Such a county may only use funds under this subsection (2)(b) for constructing or improving facilities authorized under this chapter, including county- owned facilities for agricultural promotion, and must perform an annual financial audit of organizations receiving funding on the use of the funds.

(iii) As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) (~~(shall)~~) must be operated by a private concessionaire under a contract with the county.

(c)(i) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt.

(ii) (~~If bonds have been issued under RCW 43.99N.020 and any necessary property transfers have been made under RCW 36.102.100,~~) No city within a county with a population of one million five hundred thousand or more may levy the tax authorized by this section (~~(before January 1, 2021)~~).

(iii) However, in the event that any city in a county described in (i) or (ii) of this subsection (2)(c) has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 (~~(shall be)~~) is subject to the following:

(a) Taxes collected under this section in any calendar year before 2013 in excess of five million three hundred thousand dollars (~~(shall)~~) may only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, a performing arts center in a city with a population greater than eighty-five thousand persons but less than one hundred thousand persons, heritage and preservation programs, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) (~~(shall)~~) must be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium purposes as authorized under subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion. If all or part of the debt on the stadium is refinanced, all revenues under this subsection (3)(a)(ii) (~~(shall)~~) must be used to retire the debt.

(b) From January 1, 2013, through December 31, 2015, in a county with a population of one million five hundred thousand or more, all revenues under this section (~~(shall)~~) must be used to retire the debt on the stadium, (~~(or deposited in the stadium and exhibition center account under RCW 43.99N.060 after)~~) until the debt on the stadium is retired. On and after the date the debt on the stadium is retired, and through December 31, 2015, all revenues under this section in a county of one million five hundred thousand or more must be deposited in the special account under (f) of this subsection.

(c) From January 1, 2016, through December 31, 2020, in a county with a population of one million five hundred thousand or more, all revenues under this section (~~(shall)~~) must be deposited in the stadium and exhibition center account under RCW 43.99N.060.

(d) On and after January 1, 2021, at least thirty-seven and one-half percent of revenues under this section in a county of one million five hundred thousand or more must be deposited in the special account under (f) of this subsection.

(e) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, (~~(shall)~~) must be used only for the purchase, design,

construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)((4)) (e) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)((4)) (e) must be financially stable and have at least the following:

- (i) A legally constituted and working board of directors;
- (ii) A record of artistic, heritage, or cultural accomplishments;
- (iii) Been in existence and operating for at least two years;
- (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
- (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
- (vi) Evidence that there has been independent financial review of the organization.

((4)) (f) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through ((December 31, 2012, shall)) the effective date of this section must be deposited in ((an) a special account ((and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible)). The ((earnings from investments of balances in the)) account may only be used for the purposes of (a)(i) of this subsection.

((4)) (g) School districts and schools ((shall)) may not receive revenues distributed pursuant to (a)(i) of this subsection.

((4)) (h) Moneys distributed to art museums, cultural museums, heritage museums, heritage and preservation programs, the arts, and the performing arts, and moneys distributed for tourism promotion ((shall)) must be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

((4)) (i) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county ((shall)) must be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations ((shall)) must use moneys from the taxes to promote events in all parts of the class AA county.

((4)) (j) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

((4)) (k) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

((4)) (l) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged ((shall)) must be retired. This subsection (3)((4)) (l) does not apply in respect to a public stadium under chapter 36.102 RCW transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW or a stadium and exhibition center.

((4)) (m) The county ((shall)) may not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)((4)) (m) does not apply to contracts in existence on April 1, 1986.

(4) If a court of competent jurisdiction declares any provision of ((this)) subsection (3) invalid, then that invalid provision ((shall be)) is null and void and the remainder of this section is not affected."

Senator Murray 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 Murray and King to Substitute Senate Bill No. 6051.

The motion by Senator Murray 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 "Relating to" strike the remainder of the title and insert "lodging taxes; and amending RCW 67.28.180."

#### MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 6051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray 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. 6051.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala and Shin

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, Kastama, Marr, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6051, 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. 6433, by Senators Honeyford, Parlette, Holmquist and Stevens



THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

Extending the time in which certain experienced home inspectors can apply for licensure without meeting instruction and training requirements. Revised for 1st Substitute: Modifying home inspector licensing requirements.

## MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6433 was substituted for Senate Bill No. 6433 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6433.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6433 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Marr and Tom

Excused: Senators Brown and McCaslin

SUBSTITUTE SENATE BILL NO. 6433, 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. 6359, by Senators Kilmer, Becker, Shin and Tom

Promoting efficiencies including institutional coordination and partnerships in the community and technical college system.

## MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 6359 was substituted for Senate Bill No. 6359 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kilmer moved that the following striking amendment by Senator Kilmer be adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that Washington's community and technical college system consists of thirty-four two-year institutions geographically dispersed across the state to encourage and enable student access and participation. The legislature also finds that, compared with other states, Washington's two-year public participation rate is ranked as high as fifth in the

nation. The legislature further finds that Washington's community and technical colleges have been making and are continuing to make great progress towards system efficiencies and coordination of their efforts through such things as common course numbering, the student achievement initiative, associate transfer degrees, eLearning and integrated basic education, skills training, and some common administrative systems. To encourage further efficiencies while maintaining Washington's recognized leadership in community and technical college education, enhance student access and success, strengthen academic programs, and develop and retain high quality faculty, the legislature intends to provide mechanisms for cost-effective partnerships and coordination between institutions, including shared services, and increased complementary programming, as well as structural administrative efficiencies.

**Sec. 2.** RCW 28B.50.020 and 2009 c 64 s 2 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each college district, in coordination with adjacent college districts, shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(3) Provide for basic skills and literacy education, and occupational education and technical training (~~(at technical colleges)~~) in order to prepare students for careers in a competitive workforce;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities (~~(or)~~) programs, student services, or administrative functions; and which will encourage efficiency in operation and creativity and imagination in education, training, and service to meet the needs of the community and students;

(6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training, and service programs as future needs occur; and

(7) Establish firmly that, except on a pilot basis as provided under RCW 28B.50.810, community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

**Sec. 3.** RCW 28B.50.090 and 2009 c 64 s 4 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of

community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district, in coordination with colleges, within a regional area, shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under RCW 28B.76.200 based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines and consolidating district structures to form multiple campus districts consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof; and

(15) The college board shall have the power of eminent domain.

**NEW SECTION. Sec. 4.** (1) The state board for community and technical colleges, in collaboration with the boards of trustees for the community and technical colleges, shall identify potential administrative efficiencies, complementary administrative functions, and complementary academic programs based upon consultation with colleges within a regional area. To identify administrative efficiencies and complementary administrative functions and programs, colleges within the regional area shall work in coordination with an equal number of stakeholders from their boards of trustees, administration, faculty, employee union representatives, student representatives, and community representatives. Factors to be considered include, but are not limited to:

(a) The economic feasibility and cost savings anticipated from the proposed changes;

(b) The extent to which the changes will contribute to student access to academic programs and services, including greater

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

flexibility for students to transfer credits and obtain degrees and certificates from other colleges within the regional area;

(c) The extent to which the changes contribute to the vision, goals, priorities, and statewide strategies in the comprehensive master plan and the statewide strategic master plan for higher education; and

(d) The extent to which the changes will contribute to strengthening the retention and recruitment of high quality faculty, including, but not limited to, full-time faculty, faculty development, and academic programs.

(2) The state board for community and technical colleges shall develop and adopt a detailed plan for the implementation of any identified changes that would result in cost savings while maintaining or enhancing student access and achievement. The plan must establish a time frame within which any proposed changes must be accomplished and must include any agreements, approved by the state board for community and technical colleges, between colleges within a regional area to provide complementary academic programs or coordinate administrative functions. The implementation plan shall take effect upon approval by the state board for community and technical colleges. The state board shall submit a preliminary report on the plan to the appropriate legislative committees and the governor December 1, 2010, and shall submit a final report December 1, 2011.

(3) Any cost savings realized as a result of the implementation of administrative efficiencies, complementary administrative functions, and complementary academic programming under the plan shall be retained by the respective districts to be used for enhancing student access and success.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) The college board, using the criteria established under RCW 28B.50.090(6) and in consultation with the boards of trustees for the community and technical colleges, shall identify adjacent college districts that can feasibly be consolidated or whose boundaries can feasibly be modified to form a multiple campus district. The primary considerations shall be the extent to which the changes will: (a) Affect student access to academic programs and services, (b) affect the retention and recruitment of high quality faculty, and (c) result in financial efficiencies.

(2) By December 1, 2012, the college board, in consultation with local boards of trustees, shall evaluate any proposed district consolidations or boundary changes identified in subsection (1) of this section as it deems advisable and shall submit any required supporting legislative changes to the governor and appropriate committees of the legislature."

Senators Kilmer and Becker 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 Kilmer and others to Substitute Senate Bill No. 6359.

The motion by Senator Kilmer 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 3 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28B.50.020 and 28B.50.090; adding a new section to chapter 28B.50 RCW; and creating new sections."

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 6359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6359.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6359 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Carrell

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6359, 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. 6639, by Senators Brown, Stevens, Gordon and Shin

Creating alternatives to total confinement for nonviolent offenders with minor children.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6639 was substituted for Senate Bill No. 6639 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. 6639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens 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. 6639.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6639 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Roach

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:02 p.m., on motion of Senator Eide, the Senate was recessed until 6:30 p.m.

#### EVENING SESSION

The Senate was called to order at 6:30 p.m. by President Owen.

#### SECOND READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9179, Jorge Carrasco, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community College District No. 6, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

#### MOTION

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

#### MOTION

On motion of Senator Hatfield, Senators Hobbs and Pridemore were excused.

#### APPOINTMENT OF JORGE CARRASCO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9179, Jorge Carrasco as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community College District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9179, Jorge Carrasco as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community College District No. 6 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

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

Absent: Senators Kline and McAuliffe

Excused: Senators Delvin, Hobbs, Holmquist, McCaslin and Pridemore

Gubernatorial Appointment No. 9179, Jorge Carrasco, having received the constitutional majority was declared

confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community College District No. 6.

#### MOTION

On motion of Senator Marr, Senators Kline and McAuliffe were excused.

#### SECOND READING

SENATE BILL NO. 6462, by Senators Honeyford, Hewitt, Schoesler, Holmquist, Stevens, Morton, Delvin, King, Roach, Becker and Swecker

Addressing the duties of a firefighter at the scene of a wildfire beyond the boundaries of the firefighter's district.

The measure was read the second time.

#### MOTION

Senator Honeyford moved that the following striking amendment by Senators Honeyford and Fairley be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 52.12 RCW to read as follows:

(1) Any firefighter that is present at the scene of a wildfire, regardless of whether it is beyond the boundaries of his or her district, has a duty to undertake firefighting efforts to suppress the fire if the fire poses a danger to human life or structures. However, the firefighter is under no duty to undertake firefighting efforts if he or she does not have the equipment or manpower at the scene to fight the fire in a safe and reasonable manner.

(2)(a) The priorities and methods under this section are determined by the chain of command of the pertinent agency.

(b) If an official chain of command has not been established, the firefighting priorities and methods shall be determined by the most senior firefighter on the engine.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

Any state or municipal firefighter, whether volunteer or paid, who takes part in firefighting efforts outside his or her jurisdiction or provides emergency care, rescue, assistance, or recovery services at the scene of an emergency is not liable for civil damages resulting from any act or omission in the rendering of such services, other than acts or omissions constituting gross negligence or willful or wanton misconduct."

Senator Honeyford 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 Honeyford and Fairley to Senate Bill No. 6462.

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 "duties;" strike the remainder of the title and insert "adding a new section to chapter 52.12 RCW; and adding a new section to chapter 4.24 RCW."

#### MOTION

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 6462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6462.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6462 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators McCaslin and Pridemore

ENGROSSED SENATE BILL NO. 6462, 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. 6521, by Senators Haugen and Honeyford

Requiring state agencies to use an agriculture impact statement.

## MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6521 was substituted for Senate Bill No. 6521 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield 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. 6521.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6521 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators McCaslin and Pridemore

SUBSTITUTE SENATE BILL NO. 6521, 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. 5046, by Senators Kohl-Welles, Keiser, Kline and Franklin

Placing symphony orchestras, operas, and performing arts theaters under the jurisdiction of the public employment relations commission for purposes of collective bargaining. Revised for 1st Substitute: Placing symphony musicians under the jurisdiction of the public employment relations commission for purposes of collective bargaining.

## MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5046 was substituted for Senate Bill No. 5046 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Gordon and Prentice spoke in favor of the passage of the bill.

Senators Holmquist, Honeyford and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5046.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

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

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

Excused: Senators McCaslin and Pridemore

SUBSTITUTE SENATE BILL NO. 5046, 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. 6621, by Senators Delvin, Haugen, Tom, Brandland, Prentice, Marr, Shin, Hewitt and Roach

Transferring service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and who became commissioned officers in the Washington state patrol prior to July 1, 2000. Revised for 1st Substitute: Transferring service credit and contributions into the Washington state patrol retirement system by members who served as communication

officers or commercial vehicle enforcement officers who became commissioned officers in the Washington state patrol prior to July 1, 2000.

#### MOTION

On motion of Senator Delvin, Substitute Senate Bill No. 6621 was substituted for Senate Bill No. 6621 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Delvin moved that the following amendment by Senator Delvin be adopted. On page 2, line 10, after "a", insert "communications officer or"

On page 3, line 1 after "a", insert "communications officer or"

Senator Delvin spoke in favor of adoption of the amendment.

#### MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 2, line 10 to Substitute Senate Bill No. 6621.

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

#### MOTION

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

On page 1, line 3 of the title, after "as", insert "communications officers or"

#### MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Substitute Senate Bill No. 6621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin 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. 6621.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6621 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Regala

Excused: Senators Brown, McCaslin and Pridemore

ENGROSSED SUBSTITUTE SENATE BILL NO. 6621, 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. 6724, by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser

Allowing employees of a school district or educational service district to share leave with employees in another agency.

#### MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6724 was substituted for Senate Bill No. 6724 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.665 and 2008 c 36 s 3 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services; or

(iv) The employee is a victim of domestic violence, sexual assault, or stalking;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

(iii) Annual leave if he or she qualifies under (a)(iii) or (iv) of this subsection;

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) or (iv) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

employee shall not receive a total of more than ~~((two hundred sixty one))~~ the following number of days of leave ~~((, except that))~~: (a) For an employee with fewer than ten years of service, two hundred sixty-one days; (b) for an employee with at least ten but fewer than twenty years of service, five hundred twenty-two days; and (c) for an employee with twenty or more years of service, seven hundred eighty-three days. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not ~~((included in this total))~~ subject to the limitations under (a) through (c) of this subsection.

(3) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (3)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(4) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

(6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency. ~~((However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district.))~~

(7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using acc annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave

transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(9) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Before the agency head makes a determination to return unused leave in connection with an illness or injury, or any other qualifying condition, he or she must receive from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(10) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(11) The director of personnel may adopt rules as necessary to implement subsection (2)(a) through (c) of this section.

**NEW SECTION. Sec. 2.** 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."

Senator Fairley 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 Fairley to Substitute Senate Bill No. 6724.

The motion by Senator Fairley 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 "Relating to" strike the remainder of the title and insert "the leave sharing program; amending RCW 41.04.665; and declaring an emergency."

MOITON

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Marr, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6724.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6724 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Brown, McCaslin, Pridemore and Regala  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6724, 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. 6754, by Senators McDermott, Fairley, Kohl-Welles and Kline

Making the names and addresses of persons signing initiative or referendum petitions public records.

The measure was read the second time.

#### MOTION

Senator McDermott moved that the following striking amendment by Senator McDermott be adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.72.230 and 2003 c 111 s 1823 are each amended to read as follows:

Upon the filing of an initiative or referendum petition, the secretary of state shall proceed to verify and canvass the names of the legal voters on the petition. The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed measure so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court of Thurston county. The secretary of state may limit the number of observers to not less than two on each side, if in his or her opinion, a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides. The secretary of state may use any statistical sampling techniques for this verification and canvass which have been adopted by rule as provided by chapter 34.05 RCW. No petition will be rejected on the basis of any statistical method employed, and no petition will be

accepted on the basis of any statistical method employed if such method indicates that the petition contains fewer than the requisite number of signatures of legal voters. If the secretary of state finds the same name signed to more than one petition, he or she shall reject all but the first such valid signature. For an initiative to the legislature, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session and, as soon as the signatures on the petition have been verified and canvassed, the secretary of state shall send to the legislature a certificate of the facts relating to the filing, verification, and canvass of the petition.

The names, addresses, and signatures of persons who signed the petition are public records under chapter 42.56 RCW and may be made available for public inspection and copying.

**Sec. 2.** RCW 29A.72.140 and 2003 c 111 s 1815 are each amended to read as follows:

(1) The word "warning" and the following warning statement regarding signing petitions must appear on petitions as prescribed by this title and must be printed on each petition sheet such that they occupy not less than four square inches of the front of the petition sheet.

#### WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

(2) The following statement must appear on petitions as prescribed by this title and must be printed on each petition sheet.

Signature petitions are public documents. By signing this document, your name, address, and signature may be released as part of a public records request."

Senator McDermott 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 McDermott to Senate Bill No. 6754.

The motion by Senator McDermott 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 "petitions;" strike the remainder of the title and insert "and amending RCW 29A.72.230 and 29A.72.140."

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 6754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott, Jacobsen, Fairley, Kline and Kastama spoke in favor of the passage of the bill.

Senators Roach, Schoesler, Benton, Sheldon, Stevens, Becker, Swecker and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6754.



ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6754 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator McCaslin

ENGROSSED SENATE BILL NO. 6754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 6575, by Senators Kohl-Welles, Keiser, Kline, Franklin and McDermott

Concerning the recommendations of the joint legislative task force on the underground economy.

MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6575 was substituted for Senate Bill No. 6575 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 6575 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 Second Substitute Senate Bill No. 6575.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6575 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

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

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Schoesler, Stevens and Swecker

Excused: Senators Brown and McCaslin

SECOND SUBSTITUTE SENATE BILL NO. 6575, 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. 6579, by Senators Swecker, Haugen, Oemig, Rockefeller, Jacobsen, Marr, Hatfield, Eide and Fraser

Improving the efficiency, accountability, and quality within state information systems.

MOTION

On motion of Senator Swecker, Second Substitute Senate Bill No. 6579 was substituted for Senate Bill No. 6579 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Fraser be adopted. On page 3, line 12 after "counties." Insert "(t) one representative from the department of revenue"

WITHDRAWAL OF AMENDMENT

On motion of Senator Swecker, the amendment by Senators Swecker and Fraser on page 3, line 12 to Second Substitute Senate Bill No. 6579 was withdrawn.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted. On page 3, line 15 after "employees." Insert "(u) one representative from the department of revenue"

Correct any internal references accordingly

Senator Swecker 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 Swecker on page 3, line 15 to Second Substitute Senate Bill No. 6579.

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

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Prentice and Swecker be adopted. 0) On page 4, line 28, strike all of section 4 and insert the following:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 43.88 RCW to read as follows:

(1) The office of financial management's operating budget instructions to agencies must include collecting additional information for proposed information technology projects. Agencies must submit the following information about specific projects:

(a) Estimated project implementation costs by staffing, contracted services, hardware purchase and maintenance, software license purchase and maintenance, hardware lease or finance, maintenance and operations, training, and travel;

(b) Estimated project maintenance costs by staffing, contracted services, hardware purchase and maintenance, software license

purchase and maintenance, hardware lease or finance, maintenance and operations, training, and travel;

(c) All project expenditures in previous biennia;

(d) Oversight level as determined by the information services board, if available;

(e) Estimated project duration and start date;

(f) Estimated ongoing operating savings or other benefits resulting from the project;

(g) An explanation of the purpose and benefits of the project; and

(h) An explanation of reengineering and streamlining of the underlying business process, if pursuing the development or purchase of new software. An explanation of efforts to gather business and technical requirements must also be provided.

(2) The governor's budget must include an information technology plan which will include a list of all the proposed projects, their next biennium costs by funding source, projected costs over the two biennia succeeding the next biennium by funding source, and a statement of the purpose of the project. This information must also be submitted electronically, in a format to be determined by the office of financial management and the legislative evaluation and accountability program committee.

(3) The office of financial management shall also institute a method of accounting for information technology-related expenditures, including creating common definitions for what constitutes an information technology investment. The director of financial management shall report total state expenditures on information technology by funding source and by object of expenditure to the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives for each biennium. The first report is due by January 15, 2013.

**Sec. 5.** RCW 43.88.560 and 1992 c 20 s 7 are each amended to read as follows:

The director of financial management shall establish policies and standards governing the funding of major information technology projects as required under RCW 43.105.190(2). The director of financial management shall also direct the collection of additional information on information technology projects and submit an information technology plan as required under section 1 of this act.

**Sec. 6.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data. The board shall coordinate with the office of financial management to develop contracting standards for information technology acquisition and purchased services and will work with state agencies to ensure deployment of standardized contracts;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the

board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(i) To review and approve that portion of the department's budget requests that provides for support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

**Sec. 7.** RCW 43.105.180 and 1999 c 80 s 11 are each amended to read as follows:

~~(Upon request of the office of financial management.)~~ The department, in coordination with the information services board and the office of financial management, shall evaluate agency budget requests for major information technology projects identified under RCW 43.105.190, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The department shall submit recommendations for funding all or part of such requests to the office of financial management and to the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives. The department shall also submit recommendations regarding consolidation of similar proposals or other efficiencies it finds in reviewing proposals.

The department, with the advice and approval of the office of financial management and the information services board, shall establish criteria, consistent with portfolio-based information technology management, for the evaluation of agency budget requests under this section. These budget requests shall be made in the context of an agency's information technology portfolio; technology initiatives underlying budget requests are subject to board review. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with the state strategic information technology plan, consistency with information technology portfolios, appropriate provision for public electronic access to information, evidence of business process streamlining and gathering of business and technical requirements, and services, costs, and benefits.

**Sec. 8.** RCW 43.105.160 and 2005 c 319 s 110 are each amended to read as follows:

(1) The department shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives.

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress

toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190(;

~~(e)).~~ At a minimum, the portion of the report regarding major technology projects must include:

(i) Final budget broken down by staffing costs, contracted service, hardware purchase or lease, software purchase or lease, travel, and training. The original budget must also be shown for comparison;

(ii) The original proposed project schedule and the final actual project schedule;

(iii) Data regarding progress towards meeting the original goals and performance measures of the project, particularly as it relates to operating budget savings;

(iv) Discussion of lessons learned on the project, performance of any contractors used, and reasons for project delays or cost increases; and

(v) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

~~((#))~~ (c) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives. The major technology section of the report must examine major information technology projects completed in the previous biennium. The report must also examine projects two years after completion for progress toward meeting performance goals and operating budget savings. The first report is due December 15, 2011, and every two years thereafter.

**NEW SECTION. Sec. 9.** Sections 1 through 3 of this act expire March 31, 2012."

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

Senators Fraser and Swecker 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 Fraser, Prentice and Swecker on page 4, line 28 to Second Substitute Senate Bill No. 6579.

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

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6579.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6579 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6579, 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. 6686, by Senators Gordon, McCaslin, Kline, Regala, Kohl-Welles, Delvin, Tom and Shin

Changing the election and appointment provisions for municipal court judges.

#### MOTIONS

On motion of Senator Gordon, Substitute Senate Bill No. 6686 was substituted for Senate Bill No. 6686 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Gordon, the rules were suspended, Substitute Senate Bill No. 6686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Carrell, Honeyford and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6686.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6686 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Hargrove, Hatfield, Hewitt, Honeyford, King, Parlette, Pflug, Roach and Swecker

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6686, 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. 6727, by Senators Marr and Brown

Concerning health sciences and services authorities.

#### MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6727 was substituted for Senate Bill No. 6727 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6727.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6727 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

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

Absent: Senators Brandland and Brown

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Marr, Senator Brown was excused.

#### SECOND READING

SENATE BILL NO. 6698, by Senators Keiser, Marr, Murray, Fairley and Kohl-Welles

Concerning the acquisition of nonprofit hospitals.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6698 was substituted for Senate Bill No. 6698 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. 6698 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6698.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6698 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon,

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

Hargrove, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield, Haugen, Holmquist, Marr, Morton, Schoesler and Stevens

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6698, 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. 6546, by Senator Pridemore

Allowing the state director of fire protection to refuse membership in the public employees' retirement system.

The measure was read the second time.

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore 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. 6546.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6546 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin

SENATE BILL NO. 6546, 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. 6726, by Senators Marr, Kohl-Welles, Ranker, Murray, McDermott, Keiser, Prentice, Kauffman, Kline, Kilmer, Fraser and Pridemore

Making the governor the public employer of language access providers. Revised for 2nd Substitute: Establishing a work group on language access services.

#### MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6726 was substituted for Senate Bill No. 6726 and the

second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Marr be adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) No later than thirty days after the effective date of this section, the office of financial management shall establish a working group on language access services.

(2) The working group shall include members that have experience and knowledge of language access services in Washington state, including representatives of a statewide association representing hospitals, community health centers and providers for underserved and immigrant populations, statewide associations representing physicians, other health care providers who serve medicaid patients, a statewide labor union currently working with language access providers, statewide professional interpreter associations, community-based organizations that advocate for persons with limited English proficiency, language access providers, brokers, and representatives of the department of social and health services.

(3) A representative of the office of financial management shall chair the working group, and the department shall provide staff to support the working group's activities.

(4) The working group shall develop a plan to improve the efficiency and effectiveness of language access services. The plan shall describe the best possible means by which the following criteria are achieved: Administrative and overhead costs, including brokers and language access agencies, are reduced; timeliness and flexibility for medical providers is improved; the pool of qualified interpreters is stabilized; and fraud and abuse are prevented.

(5) The office of financial management shall report the findings of the working group to the legislature no later than September 30, 2010.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) A statewide unit of all language access providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation; (ii) rules and procedures regarding payments, work rules, and reimbursements; (iii) certification

procedures, professional development, and training; (iv) labor-management committees; and (v) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services contracts for language access services and each of their subcontractors shall provide to the department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of the effective date of this section. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The department's obligation to comply with the federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act

on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

**Sec. 3.** RCW 41.56.030 and 2007 c 184 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020~~((5))~~ (9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(11) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 or 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(12) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

(13) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(14)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for department of social and health services appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before the effective date of this section, whether paid by a broker, foreign language agency, or the department.

(b) "Language access provider" does not mean an owner, manager, or employee of a broker or a language access agency.

**Sec. 4.** RCW 41.56.113 and 2007 c 184 s 3 are each amended to read as follows:

(1) Upon the written authorization of an individual provider, a family child care provider, ~~((or))~~ an adult family home provider, or a language access provider within the bargaining unit and after the

certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider, a family child care provider, ~~((or))~~ an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, ~~((or))~~ adult family home providers, or language access providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider, family child care provider, ~~((or))~~ adult family home provider, or language access provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((and))~~ adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((or))~~ adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((or))~~ adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(4) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

**Sec. 5.** RCW 41.04.810 and 2007 c 184 s 4 are each amended to read as follows:

Individual providers, as defined in RCW 74.39A.240, and family child care providers, ~~((as defined in RCW 41.56.030, and))~~ adult family home providers, and language access providers, all as defined in RCW 41.56.030, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270, 41.56.028, and 41.56.029.

**Sec. 6.** RCW 43.01.047 and 2007 c 184 s 5 are each amended to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300, family child care providers under RCW 41.56.028, or adult family home providers under RCW 41.56.029, or language access providers under section 3 of this act.

**Sec. 7.** RCW 74.04.025 and 1998 c 245 s 143 are each amended to read as follows:

(1) The department and the office of administrative hearings shall ensure that bilingual services are provided to non-English speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

(2) If the number of non-English speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with ~~((interpreters, local agencies, or other community resources))~~ language access providers.

(4) The department shall certify, authorize, and qualify language access providers in a manner consistent with any collective bargaining agreement entered into pursuant to section 3 of this act as needed to maintain a pool of certified, authorized, and qualified providers.

(5) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English speaking persons. Basic informational pamphlets shall be translated into all primary languages.

~~((5))~~ (6) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and complying with the requirements of all such written communications.

~~((6))~~ (7) As used in this section((-):

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for department appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before the effective date of this section, whether paid by a broker, foreign language agency, or the department. "Language access provider" does not mean an owner, manager, or employee of a broker or a language access agency.

(b) "Primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 9.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of

this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 1 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.04.025; adding a new section to chapter 41.56 RCW; and creating new sections."

Senators Keiser and Marr spoke in favor of adoption of the striking amendment.

Senator Zarelli spoke against adoption of the striking amendment.

#### POINT OF ORDER

Senator Holmquist: "Thank you Mr. President. I believe that the striking amendment offered is beyond the scope and object of the current version of the bill and I have some arguments to offer on this Mr. President. This body just adopted the second substitute as reported by the Ways & Means Committee. That bill is a one section bill that does only one thing; it establishes a work group to develop a plan to improve the efficiency and effectiveness of language access services. By contrast the striking amendment adds eight more sections and authorizes language access providers to collectively bargain with the governor. The amendment establishes a procedure for the selection of exclusive bargaining representative defines its scope of bargaining and establishes dispute resolution procedures. The bill is focused on developing a plan of efficiency and the provision of language access services while the amendment is focused on the expansion of collective bargaining rights. For these reasons, I believe the amendment offered is outside the scope and object of this bill and is in violation of Senate Rule 66 and I respectfully request a ruling on this matter. Thank you Mr. President."

Senator Marr spoke against the point of order.

#### MOTION

On motion of Senator Eide, further consideration of the striking amendment to Second Substitute Senate Bill No. 6726 was deferred and the measure held its place on the calendar.

#### SECOND READING

SENATE BILL NO. 6424, by Senators Regala and Fairley

Concerning local excise tax authorities for counties and cities.

#### MOTION

On motion of Senator Regala, Substitute Senate Bill No. 6424 was substituted for Senate Bill No. 6424 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted. On page 4, beginning on line 11, strike all material through line 3 on page 9.



THIRTY SIXTH DAY, FEBRUARY 15, 2010

Renumber the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, line 11 to Substitute Senate Bill No. 6424.

The motion by Senator Honeyford carried and the amendment was adopted by a rising vote.

#### MOTION

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

On page 1, line 2 of the title, after "82.14.340," strike "9.46.113, 82.46.010, and 82.46.035" and insert "and 9.46.113"

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute Senate Bill No. 6424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala 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. 6424.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6424 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

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

Voting nay: Senators Benton, Carrell, Holmquist, Marr, Morton, Pflug, Roach, Schoesler and Sheldon

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6424, 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.

#### STATEMENT FOR THE JOURNAL

On February 15, 2010, given the enormous volume of bills, amendments, and motions before the Senate, I inadvertently voted "nay" on the final passage of Engrossed Substitute Senate Bill No. 6424, relating to local excise tax authority for cities and counties. Local governments, especially counties, are struggling to provide resources for public safety, and it is important to provide local governments with revenue flexibility during these challenging economic times. This bill provides some of that needed flexibility, and I support this policy. I regret this mistake, and I meant to vote "yes" in support of this measure.

2010 REGULAR SESSION  
SENATOR BOB MORTON, 7th Legislative District

#### SECOND READING

SENATE BILL NO. 6737, by Senators Marr, Brown and McCaslin

Providing an exemption from property tax for aircraft used to provide air ambulance services for nonprofits.

#### MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6737 was substituted for Senate Bill No. 6737 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted. On page 1, line 7, after "is", insert "either"

On page 1, line 8, after "(a)", insert "(i)"

On page 1, line 9, after "501(c)(3);", strike "and"

On page 1, line 10, strike "(b)", insert "(ii)"

On page 1, line 10, after "services", strike "." insert "; and"

On page 1, line 11, beginning with "(2)" strike everything through "if the" and insert "(iii) The"

On page 1, line 13, strike "." and insert "; or

(b) a private aircraft exclusively used for medivac flights from islands in Washington state."

On page 2, line 26, after "(a)", insert "(i)"

On page 2, line 28, strike "(b)", insert "(ii)"

On page 2, line 29, after "service", insert "; or (b) private aircraft exclusively used for medivac flights from islands in Washington state"

Senators Ranker and Marr 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 Ranker on page 1, line 7 to Substitute Senate Bill No. 6737.

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

#### MOTION

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

On page 1, line 2 of the title, after "services", strike "for nonprofits"

#### MOTION

On motion of Senator Marr the rules were suspended, Engrossed Substitute Senate Bill No. 6737 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

Senator Pflug 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. 6737.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6737 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

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

Voting nay: Senator Pflug

Absent: Senators Brown and Murray

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6737, 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. 6449, by Senators McDermott, Fairley, Keiser, Kohl-Welles and Kline

Regarding signature gatherers for petitions.

## MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 6449 was substituted for Senate Bill No. 6449 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator McDermott moved that the following amendment by Senator McDermott be adopted. On page 12, line 31, after "who" strike "directly"

On page 12, line 32, after "person" strike everything through "person" on line 34

On page 12, line 34, after "who" insert "only"

On page 18, line 2, after "who" strike "directly"

On page 18, line 3, after "person" strike everything through "person" on line 5

On page 18, line 5, after "who" insert "only"

Renumber the sections consecutively and correct any internal references accordingly.

Senators McDermott and Hargrove 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 McDermott on page 12, line 31 to Substitute Senate Bill No. 6449.

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

## MOTION

Senator Stevens moved that the following amendment by Senator Stevens be adopted. On page 13, after line 6, insert the following:

"(c) All persons who are at any time engaged in the registration of voters, unless through a state or local government agency."

On page 13, after line 16, insert the following:

"(b) Only one calendar year in the case of persons who register voters. The commission shall provide each registered person with an individual registration number."

On page 14, after line 18, insert the following:

"(3) To register with the commission, a paid signature gatherer must provide:

(a) His or her full name and assumed name, if any;

(b) The street address of his or her permanent residence;

(c) His or her signature;

(d) A signed statement attesting that the paid signature gatherer:

(i) Has not been convicted of a criminal offense involving fraud, forgery, or identification theft within the past five years;

(ii) has not been convicted of a crime under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years;

(iii) has not been found in violation of elections law under chapter 29A.84 RCW,

or its equivalent in another jurisdiction, in the past five years; and

(iv) is not a convicted sex offender;

(f) A signed statement acknowledging that the person has read and understands Washington law applicable to voter registration;

(g) Evidence indicating that the person has completed the training required under section 7 of this act; and

(h) A conventional photograph showing the person's head, neck, and shoulders, and is appropriate for copying and processing by the commission."

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

On page 15, line 33, after "signatures", insert " or registering voters".

On page 15, line 33, after "gatherer ", insert "or persons registering voters".

On page 15, line 36, after "gatherer " or person registering voters ".

On page 16, line 1, after "act", strike all material through "petitions" on line 5.

On page 17, line 28, after "gatherers", insert ", persons registering voters, ".

On page 1, line 1 of the title, after "gatherers", insert " and persons registering voters"

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

## POINT OF ORDER

Senator Rockefeller: "Mr. President, I object to characterizing an effort to amend the statute as an attack on the state's constitution. The gentleman is a scribing motivation and I don't believe it's warranted or appropriate here."

## REPLY BY THE PRESIDENT

President Owen: "The President believes that at times we walk very closely to impugning members motives. I did not hear it, direct impugning, at that point but it is close. Senator Benton."

## RULING BY THE PRESIDENT

President Owen: "Senator Benton, that is impugning, please talk to the merits of the or the demerits of the amendment."

Senator Fraser spoke against adoption of the amendment.

## POINT OF ORDER

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

Senator McDermott: "I request a ruling on scope and object on this amendment. The bill itself addresses the initiative and referendum signature gathering process. At no point, in anywhere in the bill does it address voter registration. I believe that to be attempting to affect voter registration by amendment, is well beyond the scope of this bill."

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator McDermott, the original bill registered signature gatherers. The amendment expands the provisions to include persons registering voters. The President believes that is an expansion of the scope and object of the bill and the amendment is beyond the scope and object of the bill. Therefore, Senator McDermott's point is well taken."

#### MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted. On page 13, after line 6, insert the following:

"(c) All businesses or organizations operating in this state engaged in the activity of registering voters."

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

On page 15, after line 23, insert the following:

"(5) To register with the commission, a business or organization operating in this state engaged in the activity of registering voters, must provide:

(a) The name of the business or organization as registered with the applicable state agency depending on the business or organization structure, which may include the department of revenue, the secretary of state, or the department of licensing, as well as any other names under which the business or organization is doing business or any trade names;

(b) The street address of the main office in the state, the mailing address, if different, the office phone number, and the business or organization e-mail address, if any. If the business or organization is operated out of a residence, the residence shall be considered the main office for the purposes of this subsection;

(c) The full name of the business owner or owners or the members of the governing body of an organization and any assumed names;

(d) A signature of the business owner or owners or the members of the governing body of the organization;

(e) A signed statement attesting that the business owner or owners or members of the governing body of the organization:

(i) Have not been convicted of a criminal offense involving fraud, forgery, or identification theft within the past five years; (ii) have not been convicted of a crime under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years; (iii) have not been found in violation of elections law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years; and

(iv) are not convicted sex offenders;

(f) A signed statement acknowledging the business owner or owners or members of the governing body of the organization have read and understand Washington law applicable to voter registration;

(g) Evidence indicating that the business owner or owners or members of the governing body of the organization completed the training required under section 7 of this act; and

(j) A conventional photograph showing the paid signature gatherer's head, neck, and shoulders, and is appropriate for copying and processing by the commission."

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

On page 17, line 28, after "businesses", insert " or organizations".

On page 17, line 30, starting with "for", delete all material through "gatherers" and insert "and registering voters".

Senator Pflug spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator McDermott: "Mr. President, I request a ruling on scope and object on this amendment. Only to reassert the arguments I made earlier Mr. President. That the bill itself addresses signature gathering for initiatives and referendums and no way addresses registration of voters which this amendment again addresses."

#### RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator McDermott, the President believes for the same reasons that the previous amendment was beyond the scope and object of which the bill is relative to registering signature gatherers. The amendment is relative to persons who register voters the amendment is beyond the scope and object of the bill. Senator McDermott's point is well taken."

#### MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 15, after line 36, insert the following:

"(7) for the purposes of this section, "business" includes any non-profit organization."

Senators Swecker, Roach and Pflug spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 15, after line 36 to Substitute Senate Bill No. 6449.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kilmer, King, Marr, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Haugen, Hobbs, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Shin and Tom

Excused: Senator McCaslin

The President voting "nay"

## MOTION

Senator King moved that the following amendment by Senator King be adopted. On page 24, after line 9, insert the following:

"Sec. 15. RCW 29A.84.220 and 2003 c 111 s 2110 are each amended to read as follows:

Every person is guilty of a gross misdemeanor, who:

(1) For any consideration, compensation, gratuity, reward, or thing of value or promise thereof, signs or declines to sign any recall petition; or

(2) Advertises in any newspaper, magazine or other periodical publication, or in any book, pamphlet, circular, or letter, or by means of any sign, signboard, bill, poster, handbill, or card, or in any manner whatsoever, that he or she will either for or without compensation or consideration circulate, solicit, procure, or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any recall petition or vote for or against any recall; or

(3) For pay or any consideration, compensation, gratuity, reward, or thing of value or promise thereof, circulates, or solicits, procures, or obtains or attempts to procure or obtain signatures upon any recall petition; or

(4) Pays or offers or promises to pay, or gives or offers or promises to give any consideration, compensation, gratuity, reward, or thing of value to any person to induce him or her to sign or not to sign, or to circulate or solicit, procure, or attempt to procure or obtain signatures upon any recall petition, or to vote for or against any recall; or

(5) By any other corrupt means or practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; ((or))

(6) Knowingly provide false or misleading information to any state or local governmental agency about the individuals, groups, organizations, or businesses, engaged in signature gathering for initiative, referenda, or recall petitions;

(7) By any other corrupt means or practice or by threats or intimidation interferes with or attempts to interfere with the operations of any individual, group, organization, or business, engaged in signature gathering for initiative, referenda, or recall petitions; or

(8) Receives, accepts, handles, distributes, pays out, or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward, or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are nonresidents of the state of Washington, for any service, work, or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall."

Remember the remaining sections consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 24, after line 9 to Substitute Senate Bill No. 6449.

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

## MOTION

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

On page 1, line 3 of the title, after " 29A.72 RCW; ", insert " amending RCW 29A.84.220; "

## MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 6449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott, Franklin, Hargrove spoke in favor of passage of the bill.

Senators Swecker, Roach, Pflug, Sheldon, Carrell and Benton spoke against passage of the bill.

## POINT OF ORDER

Senator Kline: "I believe that comment about destroying the democracy and the constitution of the State of Washington is out of order."

## RULING BY THE PRESIDENT

President Owen: "The President believes that it is an opinion. He is not directing his remarks at any individual. Senator Benton."

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

Senator King spoke against passage of the bill.

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6449.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6449 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

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

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6449, 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 Second Substitute Senate Bill No. 6726 which had been deferred earlier in the day.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

MOTION

On motion of Senator Kohl-Welles, the motion to adopt the striking amendment by Senators Keiser and Marr to Second Substitute Senate Bill No. 6726 was withdrawn.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Kohl-Welles moved to immediately reconsider the vote by which Second Substitute Senate Bill No. 6726 was substituted for Senate Bill No. 6726 by the Senate earlier in the day.

The President declared the question before the senate to be the motion by Senator Kohl-Welles to immediately reconsider the vote by which Second Substitute Senate Bill No. 6726 was substituted for Senate Bill No. 6726 by the Senate earlier in the day.

The motion by Senator Kohl-Welles carried by voice vote.

MOTION

Senator Kohl-Welles moved that Second Substitute Senate Bill No. 6726 not be substituted for Senate Bill No. 6726 and the second substitute bill be not adopted.

MOTION

Senator Holmquist moved that Second Substitute Senate Bill No. 6726 be substituted for Senate Bill No. 6726 and the substitute bill be placed on the second reading and read the second time.

Senator Kohl-Welles spoke against the motion.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand. The demand is sustained.

The President declared the question before the Senate to be the motion by Senator Holmquist that Second Substitute Senate Bill No. 6726 be substituted for Senate Bill No. 6726 and the second substitute bill be placed on the second reading calendar.

Senator Zarelli spoke in favor of the motion.

Senator Keiser spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist that Second Substitute Senate Bill No. 6726 be substituted for Senate Bill No. 6726 and the second substitute bill be placed on the second reading calendar.

The Secretary called the roll on the motion by Senator Holmquist and the motion failed by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

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

Excused: Senator McCaslin

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6726 was substituted for Senate Bill No. 6726 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Marr be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) No later than thirty days after the effective date of this section, the office of financial management shall establish a working group on language access services.

(2) The working group shall include members that have experience and knowledge of language access services in Washington state, including representatives of a statewide association representing hospitals, community health centers and providers for underserved and immigrant populations, statewide associations representing physicians, other health care providers who serve medicaid patients, a statewide labor union currently working with language access providers, statewide professional interpreter associations, community-based organizations that advocate for persons with limited English proficiency, language access providers, brokers, and representatives of the department of social and health services.

(3) A representative of the office of financial management shall chair the working group, and the department shall provide staff to support the working group's activities.

(4) The working group shall develop a plan to improve the efficiency and effectiveness of language access services. The plan shall describe the best possible means by which the following criteria are achieved: Administrative and overhead costs, including brokers and language access agencies, are reduced; timeliness and flexibility for medical providers is improved; the pool of qualified interpreters is stabilized; and fraud and abuse are prevented.

(5) The office of financial management shall report the findings of the working group to the legislature no later than September 30, 2010.

NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) A statewide unit of all language access providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i)

Economic compensation; (ii) rules and procedures regarding payments, work rules, and reimbursements; (iii) certification procedures, professional development, and training; (iv) labor-management committees; and (v) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services contracts for language access services and each of their subcontractors shall provide to the department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of the effective date of this section. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The department's obligation to comply with the federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

**Sec. 3.** RCW 41.56.030 and 2007 c 184 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020~~((5))~~ (9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(11) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 or 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(12) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

(13) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(14)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for department of social and health services appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before the effective date of this section, whether paid by a broker, foreign language agency, or the department.

(b) "Language access provider" does not mean an owner, manager, or employee of a broker or a language access agency.

**Sec. 4.** RCW 41.56.113 and 2007 c 184 s 3 are each amended to read as follows:

(1) Upon the written authorization of an individual provider, a family child care provider, ~~((~~¶~~))~~ an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider, a family child care provider, ~~((~~¶~~))~~ an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, ~~((~~¶~~))~~ adult family home providers, or language access providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider, family child care provider, ~~((~~¶~~))~~ adult family home provider, or language access provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((~~and~~))~~ adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((~~¶~~))~~ adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((~~¶~~))~~ adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(4) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

**Sec. 5.** RCW 41.04.810 and 2007 c 184 s 4 are each amended to read as follows:

Individual providers, as defined in RCW 74.39A.240, and family child care providers, ~~((as defined in RCW 41.56.030, and))~~ adult family home providers, and language access providers, all as defined in RCW 41.56.030, are not employees of the state or any of

its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270, 41.56.028, and 41.56.029.

**Sec. 6.** RCW 43.01.047 and 2007 c 184 s 5 are each amended to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300, family child care providers under RCW 41.56.028, or adult family home providers under RCW 41.56.029, or language access providers under section 3 of this act.

**Sec. 7.** RCW 74.04.025 and 1998 c 245 s 143 are each amended to read as follows:

(1) The department and the office of administrative hearings shall ensure that bilingual services are provided to non-English speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

(2) If the number of non-English speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with ~~((interpreters, local agencies, or other community resources))~~ language access providers.

(4) The department shall certify, authorize, and qualify language access providers in a manner consistent with any collective bargaining agreement entered into pursuant to section 3 of this act as needed to maintain a pool of certified, authorized, and qualified providers.

(5) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English speaking persons. Basic informational pamphlets shall be translated into all primary languages.

~~((5))~~ (6) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and complying with the requirements of all such written communications.

~~((6))~~ (7) As used in this section~~((7))~~:

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for department appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before the effective date of this section, whether paid by a broker, foreign language agency, or the department. "Language access provider" does not mean an owner, manager, or employee of a broker or a language access agency.

(b) "Primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 9.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Keiser and Marr spoke in favor of adoption of the striking amendment.

Senators Pflug and Zarelli spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Marr to Substitute Senate Bill No. 6726.

The motion by Senator Keiser 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 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.04.025; adding a new section to chapter 41.56 RCW; and creating new sections."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

Senators King, Holmquist and Pflug 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. 6726.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6726 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kastama, King, Morton, Parlette, Pflug, Regala, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6726, 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.



THIRTY SIXTH DAY, FEBRUARY 15, 2010  
SECOND READING

2010 REGULAR SESSION  
MOTION

SENATE BILL NO. 6562, by Senators Kilmer, Tom, Delvin, Regala, Murray, Hargrove and King

Regarding tuition-setting authority at institutions of higher education. Revised for 2nd Substitute: Regarding higher education accountability and access.

MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6562 was substituted for Senate Bill No. 6562 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following amendment by Senator Kohl-Welles be adopted.

On page 4, line 13, after "undergraduate", insert "and graduate".

Senator Kohl-Welles 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 Kohl-Welles on page 4, line 13 to Second Substitute Senate Bill No. 6562.

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

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Schoesler be adopted.

On page 14, on line 27, after "which", insert ": (1)

On page 14, on line 31, after "2009-10", insert the following: "; and (2) the state work study program in chapter 28B.12 RCW provides the same percentage of overall students with the same proportion of work study, as compared to tuition, as was actually covered by the program in academic year 2009-2010 academic year."

Senator Pflug spoke in favor of adoption of the amendment.

Senators Kilmer and Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Schoesler on page 14, line 27 to Second Substitute Senate Bill No. 6562.

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

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Murray, Shin, Kastama, Jacobsen, Brown and Becker spoke in favor of passage of the bill.

Senators Schoesler, Benton, Roach, Sheldon, Zarelli, Pridemore and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6562.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6562 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Fairley, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McDermott, Murray, Parlette, Prentice, Regala, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Delvin, Eide, Franklin, Holmquist, Honeyford, Kastama, Kauffman, Kohl-Welles, Morton, Oemig, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon and Stevens

Excused: Senator McCaslin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:38 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, February 16, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1096-S2		2595	
Messages .....	25	Introduction & 1 <sup>st</sup> Reading .....	3
1149-S2		2605	
Messages .....	25	Introduction & 1 <sup>st</sup> Reading .....	3
1162-S2		2608	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading .....	3
1317-S2		2621	
Messages .....	25	Messages .....	1
1547		2623-S2	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading .....	3
1591-S2		2624-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading .....	3
1697		2658-S2	
Messages .....	1	Messages .....	25
1757		2659	
Messages .....	1	Messages .....	1
1949-S		2670-S2	
Messages .....	1	Messages .....	1
2138-S		2676	
Messages .....	1	Messages .....	1
2396-S2		2677	
Messages .....	1	Messages .....	1
2397-S		2678-S	
Messages .....	1	Messages .....	1
2402-S		2680-S	
Introduction & 1 <sup>st</sup> Reading .....	2	Messages .....	1
2414-S		2683-S	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading .....	4
2420-S		2688-S	
Messages .....	1	Messages .....	1
2427-S		2694	
Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading .....	4
2436-S2		2716-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Introduction & 1 <sup>st</sup> Reading .....	4
2439-S		2721-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Introduction & 1 <sup>st</sup> Reading .....	4
2444		2731-S2	
Messages .....	25	Messages .....	1
2481-S2		2735	
Messages .....	1	Messages .....	1
2487-S		2739-S	
Messages .....	1	Messages .....	1
2492		2742-S2	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading .....	4
2503-S		2745-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading .....	4
2504-S		2747-S	
Messages .....	25	Messages .....	25
2525-S		2750	
Introduction & 1 <sup>st</sup> Reading .....	3	Messages .....	1
2538-S		2751	
Messages .....	25	Messages .....	1
2547-S		2758-S	
Messages .....	25	Introduction & 1 <sup>st</sup> Reading .....	4
2551-S2		2776-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Messages .....	1
2560-S		2777-S	
Introduction & 1 <sup>st</sup> Reading .....	3	Introduction & 1 <sup>st</sup> Reading .....	4
2565-S		2782-S2	
Messages .....	25	Introduction & 1 <sup>st</sup> Reading .....	4
2566-S		2790-S	
Messages .....	1	Messages .....	25
2580-S		2828-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading .....	5
2585-S		2842-S	
Messages .....	1	Introduction & 1 <sup>st</sup> Reading .....	5

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

2852-S	Introduction & 1 <sup>st</sup> Reading .....	5	Other Action .....	12
2854-S2	Messages .....	1	Second Reading .....	7
2863-S	Introduction & 1 <sup>st</sup> Reading .....	5	Third Reading Final Passage .....	12
2865-S	Introduction & 1 <sup>st</sup> Reading .....	5	6051	
2877	Messages .....	1	Second Reading .....	31
2886-S	Messages .....	25	6051-S	
2893-S	Messages .....	1	Other Action .....	33
2898	Messages .....	1	Second Reading .....	31
2913-S	Messages .....	1	Third Reading Final Passage .....	33
2930-S	Introduction & 1 <sup>st</sup> Reading .....	5	6202	
	Other Action .....	6	Second Reading .....	31
2933-S	Messages .....	1	6202-S	
2937	Introduction & 1 <sup>st</sup> Reading .....	5	Second Reading .....	31
2939-S	Introduction & 1 <sup>st</sup> Reading .....	5	Third Reading Final Passage .....	31
2961-S2	Messages .....	25	6241	
2984	Messages .....	1	Second Reading .....	16
2986-S	Messages .....	25	6241-S	
2987	Messages .....	1	Other Action .....	21
3007	Messages .....	1	Second Reading .....	16
3026-S2	Messages .....	1	Third Reading Final Passage .....	21
3030	Messages .....	1	6244	
3032-S	Messages .....	25	Second Reading .....	12
3060-S	Messages .....	1	6244-S	
3068	Introduction & 1 <sup>st</sup> Reading .....	5	Other Action .....	14
3124-S	Messages .....	1	Second Reading .....	12, 14
3141-S2	Messages .....	25	Third Reading Final Passage .....	15
4024	Messages .....	1	6280	
4025	Introduction & 1 <sup>st</sup> Reading .....	5	Second Reading .....	27
4027	Introduction & 1 <sup>st</sup> Reading .....	5	6280-S	
5046	Second Reading .....	38	Second Reading .....	28
5046-S	Second Reading .....	38	Third Reading Final Passage .....	28
	Third Reading Final Passage .....	38	6287	
5543	Second Reading .....	7	Other Action .....	29
5543-S			Second Reading .....	29
			Third Reading Final Passage .....	29
			6297	
			Second Reading .....	25
			Third Reading Final Passage .....	25
			6298	
			Second Reading .....	27
			6298-S	
			Second Reading .....	27
			Third Reading Final Passage .....	27
			6332	
			Second Reading .....	21
			6332-S	
			Second Reading .....	21
			Third Reading Final Passage .....	21
			6338	
			Second Reading .....	26
			6338-S	
			Second Reading .....	26
			Third Reading Final Passage .....	26
			6343	
			Second Reading .....	26
			6343-S	
			Second Reading .....	26
			Third Reading Final Passage .....	26
			6359	
			Second Reading .....	34
			6359-S	
			Other Action .....	36
			Second Reading .....	34
			Third Reading Final Passage .....	36
			6367	

Second Reading.....	15	Second Reading.....	42
6367-S		6579-S2	
Second Reading.....	15	Other Action.....	42
Third Reading Final Passage.....	15	Second Reading.....	42
6424		Third Reading Final Passage.....	45
Second Reading.....	50	6621	
6424-S		Second Reading.....	38
Second Reading.....	50	6621-S	
Third Reading Final Passage.....	50	Second Reading.....	38, 39
6430		Third Reading Final Passage.....	39
Second Reading.....	15, 16	6639	
Third Reading Final Passage.....	16	Second Reading.....	36
6433		6639-S	
Second Reading.....	33	Second Reading.....	36
6433-S		Third Reading Final Passage.....	36
Second Reading.....	33	6656	
Third Reading Final Passage.....	34	Second Reading.....	21
6449		6656-S	
Second Reading.....	51	Other Action.....	24
6449-S		Second Reading.....	21
Second Reading.....	51, 52, 53	Third Reading Final Passage.....	24
Third Reading Final Passage.....	54	6686	
6459		Second Reading.....	45
Second Reading.....	27	6686-S	
6459-S		Second Reading.....	45
Second Reading.....	27	Third Reading Final Passage.....	45
Third Reading Final Passage.....	27	6698	
6462		Second Reading.....	45
Other Action.....	37	6698-S	
Second Reading.....	37	Second Reading.....	45
Third Reading Final Passage.....	38	Third Reading Final Passage.....	46
6467		6724	
Second Reading.....	15	Second Reading.....	39
Third Reading Final Passage.....	15	6724-S	
6481		Other Action.....	40
Second Reading.....	25	Second Reading.....	39
Third Reading Final Passage.....	26	Third Reading Final Passage.....	41
6508-S		6726	
Other Action.....	30	Other Action.....	54
Second Reading.....	30	Second Reading.....	46
Third Reading.....	30	6726-S	
Third Reading Final Passage.....	31	Other Action.....	58
6521		Second Reading.....	54
Second Reading.....	38	6726-S2	
6521-S		Second Reading.....	46
Second Reading.....	38	Third Reading Final Passage.....	58
Third Reading Final Passage.....	38	6727	
6546		Second Reading.....	45
Second Reading.....	46	6727-S	
Third Reading Final Passage.....	46	Second Reading.....	45
6556		Third Reading Final Passage.....	45
Second Reading.....	29	6733	
6556-S		Second Reading.....	13
Second Reading.....	29	6733-S	
Third Reading Final Passage.....	29	Other Action.....	13
6562		Second Reading.....	13
Second Reading.....	58	Third Reading Final Passage.....	14
6562-S2		6737	
Second Reading.....	58	Second Reading.....	50
Third Reading Final Passage.....	59	6737-S	
6575		Second Reading.....	50
Second Reading.....	42	Third Reading Final Passage.....	51
6575-S2		6754	
Second Reading.....	42	Other Action.....	41
Third Reading Final Passage.....	42	Second Reading.....	41
6579		Third Reading Final Passage.....	42

THIRTY SIXTH DAY, FEBRUARY 15, 2010

2010 REGULAR SESSION

6759  
 Second Reading ..... 12  
 6759-S  
 Second Reading ..... 12  
 Third Reading Final Passage ..... 13  
 6778  
 Second Reading ..... 28  
 6778-S  
 Second Reading ..... 28  
 Third Reading Final Passage ..... 28  
 6788  
 Second Reading ..... 27  
 6788-S  
 Second Reading ..... 27  
 Third Reading Final Passage ..... 27  
 6816  
 Second Reading ..... 29  
 6816-S  
 Second Reading ..... 30  
 Third Reading Final Passage ..... 30  
 6857  
 Introduction & 1<sup>st</sup> Reading ..... 2  
 8683  
 Adopted ..... 6

Introduced ..... 6  
 9164 Roger E. Schmitt  
 Confirmed ..... 6  
 9179 Jorge Carrasco  
 Confirmed ..... 37  
 9257 Shelia L. Fox  
 Confirmed ..... 6  
 PRESIDENT OF THE SENATE  
 Intro. Special Guest, Jessica Munoz ..... 6  
 Intro. Special Guest, the Lawson family ..... 6  
 Reply by the President ..... 13, 25, 52  
 Ruling by the President, Amendment to SSB 6449 ..... 52  
 Ruling by the President, impugning motives ..... 52  
 Ruling by the President, point of order ..... 54  
 WASHINGTON STATE SENATE  
 Personal Privilege, Senator Honeyford ..... 13  
 Point of Inquiry, Senator Sheldon ..... 12  
 Point of Order, Senator Holmquist ..... 49  
 Point of Order, Senator Kline ..... 53  
 Point of Order, Senator McDermott ..... 13, 52  
 Point of Order, Senator Rockefeller ..... 52  
 Point of Order, Senator Schoesler ..... 25  
 Statement for the Journal, Senator Morton ..... 50

