

## EIGHTY SECOND DAY

House Chamber, Olympia, Friday, April 1, 2011

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aaron Wiesenfeld and Katherine McKay. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Brian Wiele, River Ridge Covenant Church, Olympia Washington.

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

### RESOLUTIONS

#### **HOUSE RESOLUTION NO. 2011-4646, by Representatives Hunt and Reykdal**

WHEREAS, 30 years ago, in 1981, Olympia, Washington and Kato (formerly Yashiro), Hyogo Prefecture, Japan, became sister cities; and

WHEREAS, The friendship between the two cities has flourished, grown steadily, and deepened over these 30 years; and

WHEREAS, During these 30 years, there have been regular, annual adult exchanges and, for the last 20 years, annual student exchanges, resulting in approximately 600 adult exchange visits and approximately 400 student exchange visits; and

WHEREAS, Steady and enthusiastic leadership for these exchanges has been provided by the Kato (formerly Yashiro) International Association, and the Olympia-Kato (formerly Yashiro) Sister City Association; and

WHEREAS, Many people's individual lives, and many community activities, have been enriched greatly, and sometimes altered significantly in positive ways, from learning about and participating in each others' cultures, histories, languages, educational institutions, and governmental processes; and

WHEREAS, Kato City has honored the City of Olympia in the naming of a major arterial, and the City of Olympia has honored Kato City in the naming of a major bridge; and

WHEREAS, The City of Olympia hosts a beautiful Japanese garden, and Kato City hosts a beautiful western-style garden, each in tribute to their great friendship; and

WHEREAS, Hundreds of citizens of each community have volunteered over the years to assist in the exchanges and in deepening the friendships between the two communities; and

WHEREAS, The Hyogo Business and Cultural Center, in Seattle, and the Washington State International Protocol Office have each steadily encouraged and supported the development of this great friendship and other sister city relationships in Washington State and Washington's sister state, Hyogo Prefecture;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate Kato City and the City of Olympia for 30 years of sustained, active, enthusiastic sister city exchanges for both adults and students, and for the innumerable benefits it has created for each community and many individual citizens; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives commend Kato City, the Kato International Association, the City of Olympia, the Olympia-Kato Sister Association, the Hyogo Business and Cultural Center, located in Seattle, and the Washington State International Protocol Office for their outstanding, sustained leadership in promoting strong ties of friendship and intercultural understanding and appreciation between the City of Olympia and Kato City, and between the State of Washington and Hyogo Prefecture, Japan; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to: The Mayor of Kato City; the Mayor of Olympia; the President of the Kato International Association; the President of the Olympia-Kato Sister City Association; the Hyogo Business and Cultural Center; and the Washington State International Protocol Office.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4646.

HOUSE RESOLUTION NO. 4646 was adopted.

#### **HOUSE RESOLUTION NO. 2011-4647, by Representatives Moscoso, Kenney, Maxwell, Roberts, and Ladenburg**

WHEREAS, César E. Chávez was born on March 31, 1927, on a small farm near Yuma, Arizona, the grandson of Mexican immigrants who moved to the United States in the 1880s; and

WHEREAS, After his family lost their farm during the Great Depression, César E. Chávez moved to California where the entire family worked in the farms, often living in overcrowded, unsanitary conditions, and exposed to pesticides; and

WHEREAS, After serving the nation in World War II, César E. Chávez returned to farm labor in California and began advocating for workers' rights; and

WHEREAS, In 1962 César E. Chávez founded the National Farm Workers Association (later called the United Farm Workers of America) to protect the rights of migrant farm workers to fair pay and better working conditions; and

WHEREAS, César E. Chávez rose from poverty and oppression to become a symbol of dignity and humanity throughout the world; and

WHEREAS, César E. Chávez gave our nation and each of us a unique example to live our lives by, a selfless dedication to the rights of all workers, to economic justice, civil rights, environmental justice, peace, nonviolence, and empowerment of the poor and disenfranchised; and

WHEREAS, César E. Chávez's motto, "sí se puede" (it can be done), embodies the entrepreneurial spirit that made America great, and continues to make our nation stronger every day; and

WHEREAS, Although César E. Chávez labored to overcome tremendous obstacles, he is remembered not just for his grit and determination, but his optimism that those barriers could be surmounted; and

WHEREAS, His death on April 23, 1993, brought the community together to continue his struggle to obtain justice and to secure a better life for workers; and

WHEREAS, César E. Chávez left behind an enduring legacy of service and leadership; in 1994 he posthumously received the Presidential Medal of Freedom from President Bill Clinton, becoming the second Mexican-American to receive the award;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor a man who devoted his life to improving the working conditions, safety, and dignity of many people, and that his legacy continues to promote these ideals.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4647.

HOUSE RESOLUTION NO. 4647 was adopted.

### MESSAGES FROM THE SENATE

March 31, 2011

MR. SPEAKER:

The Senate has passed:

SENATE BILL 5289  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 31, 2011

MR. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL 1028  
HOUSE BILL 1618  
and the same are herewith transmitted.

Thomas Hoemann, Secretary

### INTRODUCTIONS AND FIRST READING

HB 2044 by Representatives Taylor, Kirby, Ross, Haler, Haigh, Johnson, Reykdal and Kretz

AN ACT Relating to equity and fairness through the creation and regulation of electronic scratch ticket machines for nontribal gambling establishments; amending RCW 67.70.040, 67.70.330, and 9.46.291; adding a new chapter to Title 67 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2045 by Representatives Taylor, Ross, Shea, Haler, Klippert, Johnson and Kretz

AN ACT Relating to providing for fairness, equity, and transparency of tax preferences for federally recognized Indian tribes; amending RCW 84.36.010, 82.36.450, 82.38.310, and 43.06.455; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 2046 by Representatives Taylor, Ross, Shea, Haler, Klippert, Johnson and Kretz

AN ACT Relating to legislative involvement with compacts and compact amendments; amending RCW 43.06.110, 43.06.450, 43.06.455, 43.06.460, 43.06.465, 43.06.466, 43.06.475, 43.06.480, 9.46.360, and 43.06.010; adding a new section to chapter 43.06 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 2047 by Representatives Rolfes, Angel, Appleton, Seaquist, Morris, Finn, Armstrong and Fitzgibbon

AN ACT Relating to funding for the construction of a ferry boat vessel with a capacity of at least one hundred thirty cars; adding a new section to chapter 82.32 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5289 by Senators Murray and Zarelli

AN ACT Relating to a business and occupation tax deduction for payments made to certain property management companies for personnel performing on-site functions; adding a new section to chapter 82.04 RCW; creating a new section; and repealing RCW 82.04.394.

Referred to Committee on Ways & Means.

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

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

### THIRD READING

### MESSAGE FROM THE SENATE

March 25, 2011

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489 with the following amendment:

0) Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.54.270 and 1998 c 36 s 2 are each amended to read as follows:

~~((Terms used in))~~ The definitions in this section apply throughout this chapter ((have the meaning given to them in this chapter)) unless the context clearly ~~((indicates))~~ requires otherwise.

(1) "Brand" means a term, design, or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers.

(2) "Bulk fertilizer" means commercial fertilizer distributed in a nonpackaged form such as, but not limited to, tote bags, tote tanks, bins, tanks, trailers, spreader trucks, and railcars.

(3) "Calcium carbonate equivalent" means the acid-neutralizing capacity of an agricultural liming material expressed as a weight percentage of calcium carbonate.

(4) "Commercial fertilizer" means a substance containing one or more recognized plant nutrients and that is used for its plant nutrient content or that is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and

manipulated animal and vegetable manures. It does not include unmanipulated animal and vegetable manures, organic waste-derived material, and other products exempted by the department by rule.

(5) "Composting" means the controlled aerobic degradation of organic waste materials. Natural decay of organic waste under uncontrolled conditions is not composting.

(6) "Customer-formula fertilizer" means a mixture of commercial fertilizer or materials of which each batch is mixed according to the specifications of the final purchaser.

(7) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.

(8) "Director" means the director of the department of agriculture.

(9) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend commercial fertilizer, or to offer for sale, sell, barter, exchange, or otherwise supply commercial fertilizer in this state.

(10) "Distributor" means a person who distributes.

(11) "Fertilizer material" means a commercial fertilizer that either:

(a) Contains important quantities of no more than one of the primary plant nutrients: Nitrogen, phosphate, and potash;

(b) Has eighty-five percent or more of its plant nutrient content present in the form of a single chemical compound; or

(c) Is derived from a plant or animal residue or by-product or natural material deposit that has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(12) "Grade" means the percentage of total nitrogen, available phosphoric acid, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the "guaranteed analysis," unless otherwise allowed by a rule adopted by the department. Specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or potash. Fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units.

(13) "Guaranteed analysis."

(a) Until the director prescribes an alternative form of "guaranteed analysis" by rule the term "guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:

Total nitrogen (N)	percent
Available phosphoric acid (P <sub>2</sub> O <sub>5</sub> )	percent
Soluble potash (K <sub>2</sub> O)	percent

The percentage shall be stated in whole numbers unless otherwise allowed by the department by rule.

The "guaranteed analysis" may also include elemental guarantees for phosphorus (P) and potassium (K).

(b) For unacidulated mineral phosphatic material and basic slag, bone, tankage, and other organic phosphatic materials, the total phosphoric acid or degree of fineness may also be guaranteed.

(c) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium shall be as allowed or required by rule of the department. The guarantees for such other nutrients shall be expressed in the form of the element.

(d) The guaranteed analysis for limes shall include the percentage of calcium or magnesium expressed as their carbonate; the calcium carbonate equivalent as determined by methods prescribed by the association of official analytical chemists; and the minimum percentage of material that will pass respectively a one hundred mesh,

sixty mesh, and ten mesh sieve. The mesh size declaration may also include the percentage of material that will pass additional mesh sizes.

(e) In commercial fertilizer, the principal constituent of which is calcium sulfate (gypsum), the percentage of calcium sulfate (CaSO<sub>4</sub>·2H<sub>2</sub>O) shall be given along with the percentage of total sulfur.

(14) "Imported fertilizer" means any fertilizer distributed into Washington from any other state, province, or country.

(15) "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.

(16) "Labeling" includes all written, printed, or graphic matter, upon or accompanying a commercial fertilizer, or advertisement, brochures, posters, television, and radio announcements used in promoting the sale of such fertilizer.

(17) "Licensee" means the person who receives a license to distribute a commercial fertilizer under the provisions of this chapter.

(18) "Lime" means a substance or a mixture of substances, the principal constituent of which is calcium or magnesium carbonate, hydroxide, or oxide, singly or combined.

(19) "Manipulation" means processed or treated in any manner, including drying to a moisture content less than thirty percent.

(20) "Manufacture" means to compound, produce, granulate, mix, blend, repackage, or otherwise alter the composition of fertilizer materials.

(21) "Micronutrients" are: Boron; chlorine; cobalt; copper; iron; manganese; molybdenum; sodium; and zinc.

(22) "Micronutrient fertilizer" means a produced or imported commercial fertilizer that contains commercially valuable concentrations of micronutrients but does not contain commercially valuable concentrations of nitrogen, phosphoric acid, available phosphorus, potash, calcium, magnesium, or sulfur.

(23) "Official sample" means a sample of commercial fertilizer taken by the department and designated as "official" by the department.

(24) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids.

(25) "Packaged fertilizer" means commercial fertilizers, either agricultural or specialty, distributed in nonbulk form.

(26) "Person" means an individual, firm, brokerage, partnership, corporation, company, society, or association.

(27) "Percent" or "percentage" means the percentage by weight.

(28) "Produce" means to compound or fabricate a commercial fertilizer through a physical or chemical process, or through mining. "Produce" does not include mixing, blending, or repackaging commercial fertilizer products.

(29) "Registrant" means the person who registers commercial fertilizer under the provisions of this chapter.

(30) "Specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as, but not limited to, use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.

(31) "Ton" means the net weight of two thousand pounds avoirdupois.

(32) "Total nutrients" means the sum of the percentages of total nitrogen, available phosphoric acid, and soluble potash as guaranteed and as determined by analysis.

(33) "Washington application rate" is calculated by using an averaging period of up to four consecutive years that incorporates agronomic rates that are representative of soil, crop rotation, and climatic conditions in Washington state.

(34) "Waste-derived fertilizer" means a commercial fertilizer that is derived in whole or in part from solid waste as defined in chapter 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include fertilizers derived from biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(35)(a) "Turf" means land, including residential property, commercial property, and publicly owned land, which is planted in closely mowed, managed grass.

(b) "Turf" does not include pasture land, land used to grow grass for sod, or any other land used for agricultural production or residential vegetable or flower gardening.

(36) "Turf fertilizer" means a commercial fertilizer that is labeled for use on turf.

**NEW SECTION. Sec. 2.** A new section is added to chapter 15.54 RCW to read as follows:

(1) A person may not:

(a) Except as otherwise provided in this section, apply turf fertilizer that is labeled as containing phosphorus to turf;

(b) Apply turf fertilizer labeled as containing phosphorus to turf when the ground is frozen;

(c) Intentionally apply turf fertilizer labeled as containing phosphorus to an impervious surface;

(d) Except as otherwise provided in this section, sell turf fertilizer that is labeled as containing phosphorus; or

(e) Display turf fertilizer that is labeled as containing phosphorus in a retail store unless the turf fertilizer is also clearly labeled for a use permitted by this section.

(2) The prohibitions in this section on the application, sale, and retail display of turf fertilizer that is labeled as containing phosphorus, other than the prohibitions in subsection (1)(b) and (c) of this section, do not apply in the following instances:

(a) Application for the purpose of establishing grass or repairing damaged grass, using either seeds or sod, during the growing season in which the grass is established;

(b) Application to an area if the soil in the area is deficient in plant available phosphorus, as shown by a soil test performed no more than thirty-six months before the application; or

(c) Application to pasture, interior house plants, flower and vegetable gardens located on either public or private property, land used to grow grass for sod, or any land used for agricultural or silvicultural production.

(3) If a retailer can show proof that a product prohibited for sale under subsection (1)(d) and (e) of this section was in stock and physically in the retail location before January 1, 2012, that retail location may sell that product until it is sold out.

(4)(a) Nothing in this section:

(i) Requires the enforcement or monitoring of compliance with this section by local governments; or

(ii) Requires local governments to participate in the administration of this section, including the verification of soil tests under subsection (2)(b) of this section.

(b) A city or county may not adopt a local ordinance regarding the application or sale of turf fertilizer that is labeled as containing phosphorus that is less restrictive than this section.

**Sec. 3.** RCW 15.54.470 and 1998 c 36 s 11 are each amended to read as follows:

(1) Except for violations of section 2 of this act, any person who violates any provision of this chapter shall be guilty of a misdemeanor, and the fines collected shall be disposed of as provided under RCW 15.54.480.

(2) Nothing in this chapter shall be considered as requiring the department to report for prosecution or to cancel the registration of a commercial fertilizer product or to stop the sale of fertilizers for violations of this chapter, when violations are of a minor character,

and/or when the department believes that the public interest will be served and protected by a suitable notice of the violation in writing.

(3) It shall be the duty of each prosecuting attorney to whom any violation of this chapter is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the department reports a violation of this chapter for such prosecution, an opportunity shall be given the distributor to present his or her view in writing or orally to the department.

(4) The department is hereby authorized to apply for, and the court authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule adopted under this chapter, notwithstanding the existence of any other remedy at law. Any such injunction shall be issued without bond.

**Sec. 4.** RCW 15.54.474 and 1998 c 36 s 12 are each amended to read as follows:

Except for violations of section 2 of this act, every person who fails to comply with this chapter, or any rule adopted under it, may be subjected to a civil penalty, as determined by the director, in an amount of not more than seven thousand five hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense. Every person, who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the penalty provided for in this section.

**NEW SECTION. Sec. 5.** This act takes effect January 1, 2013."

On page 1, line 2 of the title, after "phosphorus;" strike the remainder of the title and insert "amending RCW 15.54.270, 15.54.470, and 15.54.474; adding a new section to chapter 15.54 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489 and advanced the bill as amended by the Senate to final passage.

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

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

Representatives Short and Wilcox spoke against the passage of the bill.

#### MOTIONS

On motion of Representative Van De Wege, Representative Hurst was excused. On motion of Representative Ross, Representatives Hinkle, Crouse and Warnick were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1489, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1489, as amended by the Senate, and the

bill passed the House by the following vote: Yeas, 56; Nays, 37; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Wilcox and Zeiger.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 29, 2011

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1362 with the following amendment:

Strike everything after the enacting clause and insert the following:

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

(a) The rate of home foreclosures continues to rise to unprecedented levels, both for prime and subprime loans, and a new wave of foreclosures has occurred due to rising unemployment, job loss, and higher adjustable loan payments;

(b) Prolonged foreclosures contribute to the decline in the state's housing market, loss of property values, and other loss of revenue to the state;

(c) In recent years, the legislature has enacted procedures to help encourage and strengthen the communication between homeowners and lenders and to assist homeowners in navigating through the foreclosure process; however, Washington's nonjudicial foreclosure process does not have a mechanism for homeowners to readily access a neutral third party to assist them in a fair and timely way; and

(d) Several jurisdictions across the nation have foreclosure mediation programs that provide a cost-effective process for the homeowner and lender, with the assistance of a trained mediator, to reach a mutually acceptable resolution that avoids foreclosure.

(2) Therefore, the legislature intends to:

(a) Encourage homeowners to utilize the skills and professional judgment of housing counselors as early as possible in the foreclosure process;

(b) Create a framework for homeowners and beneficiaries to communicate with each other to reach a resolution and avoid foreclosure whenever possible; and

(c) Provide a process for foreclosure mediation when a housing counselor or attorney determines that mediation is appropriate. For mediation to be effective, the parties should attend the mediation (in person, telephonically, through an agent, or otherwise), provide the necessary documentation in a timely manner, willingly share information, actively present, discuss, and explore options to avoid foreclosure, negotiate willingly and cooperatively, maintain a

professional and cooperative demeanor, cooperate with the mediator, and keep any agreements made in mediation.

**NEW SECTION. Sec. 2.** This act may be known and cited as the foreclosure fairness act.

**Sec. 3.** RCW 61.24.005 and 2009 c 292 s 1 are each reenacted and amended to read as follows:

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

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Beneficiary" means the holder of the instrument or document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(4) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(5) "Department" means the department of commerce or its designee.

(6) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

~~((6))~~ (7) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

~~((7))~~ (8) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

~~((8))~~ (9) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(10) "Owner-occupied" means property that is the principal residence of the borrower.

~~((9))~~ (11) "Person" means any natural person, or legal or governmental entity.

~~((10))~~ (12) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

~~((11))~~ (13) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit.

~~((12))~~ (14) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

~~((13))~~ (15) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

~~((14))~~ (16) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

**Sec. 4.** RCW 61.24.030 and 2009 c 292 s 8 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the owner of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the actual holder of the promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; ~~(and)~~

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to

reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"You should take care to protect your interest in your home. This notice of default (your failure to pay) is the first step in a process that could result in you losing your home. You should carefully review your options. For example:

Can you pay and stop the foreclosure process?

Do you dispute the failure to pay?

Can you sell your property to preserve your equity?

Are you able to refinance this loan or obligation with a new loan or obligation from another lender with payments, terms, and fees that are more affordable?

Do you qualify for any government or private homeowner assistance programs?

Do you know if filing for bankruptcy is an option? What are the pros and cons of doing so?

Do not ignore this notice; because if you do nothing, you could lose your home at a foreclosure sale. (No foreclosure sale can be held any sooner than ninety days after a notice of sale is issued and a notice of sale cannot be issued until thirty days after this notice.) Also, if you do nothing to pay what you owe, be careful of people who claim they can help you. There are many individuals and businesses that watch for the notices of sale in order to unfairly profit as a result of borrowers' distress.

You may feel you need help understanding what to do. There are a number of professional resources available, including home loan counselors and attorneys, who may assist you. Many legal services are lower-cost or even free, depending on your ability to pay. If you desire legal help in understanding your options or handling this default, you may obtain a referral (at no charge) by contacting the county bar association in the county where your home is located. These legal referral services also provide information about lower-cost or free legal services for those who qualify. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals"; and

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the owner of any promissory notes or other obligations secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust~~((--))~~; and

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, section 7 of this act.

**Sec. 5.** RCW 61.24.031 and 2009 c 292 s 2 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after initial contact with the borrower ((is made) was initiated as required under (b) of this subsection or thirty days after satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded; or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone ((in order to assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure)) as required under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)((a) and) (e) (i) through (iv) of this section.

(c) (During the initial contact, the beneficiary or authorized agent shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or authorized agent shall schedule the meeting to occur within fourteen days of the request. The) The letter required under this subsection, developed by the department pursuant to section 16 of this act, at a minimum shall include:

(i) A paragraph printed in no less than twelve point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure."

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to ((repay the debt)) modify or restructure the loan obligation and a discussion

of options ((may)) must occur during the ((initial contact or at a subsequent)) meeting scheduled for that purpose. ((At the initial contact, the borrower must be provided the toll-free telephone number made available by the department to find a department-certified housing counseling agency and the toll-free numbers for the department of financial institutions and the statewide civil legal aid hotline for possible assistance and referrals.

(d) Any meeting under this section may occur telephonically.))

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure must be in person, unless the requirement to meet in person is waived in writing by the borrower or the borrower's representative. A person who is authorized to modify the loan obligation or reach an alternative resolution to foreclosure on behalf of the beneficiary may participate by telephone or video conference, so long as a representative of the beneficiary is at the meeting in person.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1)((b)) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) ((A beneficiary's or authorized agent's loss mitigation personnel may participate by telephone during any contact required under this section.

(4) Within fourteen days) If, after the initial contact under subsection (1) of this section, ((if) a borrower has designated a ((department-certified)) housing counseling agency, housing counselor, or attorney((, or other advisor)) to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower ((for the discussion within fourteen days after the representative is designated by the borrower)) to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an agreement to conduct a short sale, or a deed in lieu of foreclosure transaction, or some other workout plan. Any ((deed of trust)) modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has ((not contacted a) initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to ((contact) meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending a first-class letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must ((include the toll-free telephone number made available by the department to find a department certified housing counseling agency, and the following information:

~~—“You may contact the Department of Financial Institutions, the Washington State Bar Association, or the statewide civil legal aid hotline for possible assistance or referrals.”)~~ be the letter described in subsection (1)(c) of this section.

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet web site, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-~~(certified)~~ approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if any of the following occurs:

(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent; or

(b) The borrower has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing enforcement of the deed of trust.

(7)(a) This section applies only to deeds of trust (~~made from January 1, 2003, to December 31, 2007, inclusive,~~) that are recorded against owner-occupied residential real property. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a

guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

#### "FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower did not request a meeting.

(2) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was held in compliance with RCW 61.24.031.

(3) [ ] The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5) (~~and, after waiting fourteen days after the requirements in RCW 61.24.031 were satisfied, the beneficiary or the beneficiary's authorized agent sent to the borrower(s), by certified mail, return receipt requested, the letter required under RCW 61.24.031).~~)

~~((3))~~ (4) [ ] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

~~((4))~~ (5) [ ] Under RCW 61.24.031, the beneficiary or the beneficiary's authorized agent has verified information that, on or before the date of this declaration, the borrower(s) has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing the enforcement of the deed of trust."

NEW SECTION. Sec. 6. A new section is added to chapter 61.24 RCW to read as follows:

(1)(a) A housing counselor who is contacted by a borrower under RCW 61.24.031 has a duty to act in good faith to attempt to reach a resolution with the beneficiary on behalf of the borrower within the ninety days provided from the date the beneficiary initiates contact with the borrower and the date the notice of default is issued. A resolution may include, but is not limited to, modification of the loan, an agreement to conduct a short sale, a deed in lieu of foreclosure transaction, or some other workout plan.

(b) Nothing in RCW 61.24.031 or this section precludes a meeting or negotiations between the housing counselor, borrower,

and beneficiary at any time, including after the issuance of the notice of default.

(c) A borrower who is contacted under RCW 61.24.031 may seek the assistance of a housing counselor or attorney at any time.

(2) Housing counselors have a duty to act in good faith to assist borrowers by:

(a) Preparing the borrower for meetings with the beneficiary;

(b) Advising the borrower about what documents the borrower must have to seek a loan modification or other resolution;

(c) Informing the borrower about the alternatives to foreclosure, including loan modifications or other possible resolutions; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) A housing counselor or attorney assisting a borrower may refer the borrower to a mediation program, pursuant to section 7 of this act, if:

(a) The housing counselor or attorney determines that mediation is appropriate based on the individual circumstances; and

(b) A notice of sale on the deed of trust has not been recorded.

(4) A referral to mediation by a housing counselor or attorney does not preclude a trustee issuing a notice of default if the requirements of RCW 61.24.031 have been met.

(5) Housing counselors providing assistance to borrowers under RCW 61.24.031 are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(6) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under section 7(15) of this act. The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form.

**NEW SECTION. Sec. 7.** A new section is added to chapter 61.24 RCW to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsection (5)(b)(i) through (iv) of this section; and

(b) Select a mediator and notify the parties of the selection.

(4)(a) Within forty-five days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the borrower resides, unless the parties agree on another location. The parties may agree in writing to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(b) Prior to scheduling a mediation session, the mediator shall require that both parties sign a waiver stating that neither party may call the mediator as a live witness in any litigation pertaining to a foreclosure action between the parties. However, the mediator's certification may be deemed admissible evidence, subject to court rules, in any litigation pertaining to a foreclosure action between the parties.

(5)(a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications

to ensure that the parties have all the necessary information to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least fifteen days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or video conference during the mediation session;

(iii) A complete list of documents and information required by this section that the parties must provide to the mediator and the deadlines for providing the documents and information; and

(iv) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(6) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or video conference during the mediation session.

(7) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator must require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program, including the home affordable modification program (HAMP) as applicable to government-sponsored enterprise and nongovernment-sponsored enterprise loans and any HAMP-related modification program applicable to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not required, then the beneficiary must use the current calculations, assumptions, and forms that are established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(8) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the beneficiary to provide the following documentation to the borrower and mediator at least ten days before the mediation or pursuant to the mediator's instructions:

(i) An accurate statement containing the balance of the loan as of the first day of the month in which the mediation occurs;

(ii) Copies of the note and deed of trust;

(iii) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of

trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(iv) The best estimate of any arrearage and an itemized statement of the arrearages;

(v) An itemized list of the best estimate of fees and charges outstanding;

(vi) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(vii) All borrower-related and mortgage-related input data used in any net present value analysis;

(viii) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(ix) The most recently available appraisal or other broker price opinion most recently relied upon by the beneficiary; and

(x) The portion or excerpt of the pooling and servicing agreement that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due solely to limitations in a pooling and servicing agreement, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement provisions;

(c) Failure of the borrower to provide documentation to the beneficiary and mediator, at least ten days before the mediation or pursuant to the mediator's instruction, showing the borrower's current and future income, debts and obligations, and tax returns for the past two years;

(d) Failure of either party to pay the respective portion of the mediation fee in advance of the mediation as required under this section;

(e) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

(f) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(9) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or video conference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) A description of the net present value test used, along with a copy of the inputs, including the result of the net present value test expressed in a dollar amount.

(10) If the parties are unable to reach any agreement and the mediator certifies that the parties acted in good faith, the beneficiary may proceed with the foreclosure.

(11)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary shall be entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification shall constitute a basis for the borrower to enjoin the foreclosure.

(12) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(13)(a) A trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed.

(b) If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If the notice of sale is recorded under this subsection (13)(b) and the mediator subsequently issues a certification alleging the beneficiary violated the duty of good faith, the trustee may not proceed with the sale.

(14) A mediator may charge reasonable fees as authorized by this subsection and by the department. Unless the fee is waived or the parties agree otherwise, a foreclosure mediator's fee may not exceed four hundred dollars for a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee seven calendar days before the commencement of the mediation or pursuant to the mediator's instructions.

(15) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

**NEW SECTION. Sec. 8.** A new section is added to chapter 61.24 RCW to read as follows:

(1) Section 7 of this act applies only to deeds of trust that are recorded against owner-occupied residential real property. The property must have been owner-occupied as of the date of the initial contact under RCW 61.24.031 was made.

(2) A borrower under a deed of trust on owner-occupied residential real property who has received a notice of default on or before the effective date this section may be referred to mediation under section 7 of this act by a housing counselor or attorney.

(3) Section 7 of this act does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor; or

(c) Securing a purchaser's obligations under a seller-financed sale.

(4) Section 7 of this act does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

**NEW SECTION. Sec. 9.** A new section is added to chapter 61.24 RCW to read as follows:

The provisions of section 7 of this act do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than two hundred fifty trustee sales of owner-occupied residential real property that occurred in this state during the preceding calendar year. A federally insured depository institution certifying that section 7 of this act does not apply must do so annually, beginning no later than thirty days after the effective date of this section, and no later than January 31st of each year thereafter.

**NEW SECTION. Sec. 10.** A new section is added to chapter 61.24 RCW to read as follows:

(1) For the purposes of section 7 of this act, the department must maintain a list of approved foreclosure mediators. The department may approve the following persons to serve as foreclosure mediators under this section:

(a) Attorneys who are active members of the Washington state bar association;

(b) Employees of United States department of housing and urban development-approved housing counseling agencies or approved by the Washington state housing finance commission;

(c) Employees or volunteers of dispute resolution centers under chapter 7.75 RCW; and

(d) Retired judges of Washington courts.

(2) The department may establish a required training program for foreclosure mediators and may require mediators to acquire training before being approved. The mediators must be familiar with relevant aspects of the law, have knowledge of community-based resources and mortgage assistance programs, and refer borrowers to these programs where appropriate.

(3) The department may remove any mediator from the approved list of mediators.

**NEW SECTION. Sec. 11.** A new section is added to chapter 61.24 RCW to read as follows:

The foreclosure fairness account is created in the custody of the state treasurer. All receipts received under section 12 of this act must be deposited into the account. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account must be used as follows: (1) No less than eighty percent must be used for the purposes of providing housing counselors for borrowers, except that this amount may be less than eighty percent only if necessary to meet the funding level specified for the office of the attorney general under subsection (2) of this section and the department under subsection (4) of this section; (2) up to six percent, or six hundred fifty-five thousand dollars per biennium, whichever amount is greater, to the office of the attorney general to be used by the consumer protection division to enforce this chapter; (3) up to two percent to the office of civil legal aid to be used for the purpose of contracting with qualified legal aid programs for legal representation of homeowners in matters relating to foreclosure. Funds provided under this subsection (3) must be used to supplement, not supplant, other federal, state, and local funds; (4) up to nine percent, or four hundred fifty-one thousand dollars per biennium, whichever amount is greater, to the department to be used for implementation and operation of the foreclosure fairness act; and (5) up to three percent to the department of financial institutions to conduct homeowner prepurchase and postpurchase outreach and education programs as defined in RCW 43.320.150.

The department shall enter into interagency agreements to contract with the Washington state housing finance commission and other appropriate entities to implement the foreclosure fairness act.

**NEW SECTION. Sec. 12.** A new section is added to chapter 61.24 RCW to read as follows:

(1) Except as provided in subsection (4) of this section, beginning October 1, 2011, and every quarter thereafter, every beneficiary issuing notices of default, or directing that a trustee or authorized agent issue the notice of default, on owner-occupied residential real property under this chapter must:

(a) Report to the department the number of owner-occupied residential real properties for which the beneficiary has issued a notice of default during the previous quarter; and

(b) Remit the amount required under subsection (2) of this section.

(2) For each owner-occupied residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or directing that a trustee or authorized agent issue the notice of default, shall remit two hundred fifty dollars to the department to be deposited, as provided under section 11 of this act, into the foreclosure fairness account. The two hundred fifty dollar payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) No later than thirty days after the effective date of this section, the beneficiaries required to report and remit to the department under this section shall determine the number of owner-occupied residential real properties for which notices of default were issued during the three months prior to the effective date of this section. The beneficiary shall remit to the department a one-time sum of two hundred fifty dollars multiplied by the number of properties. The department shall deposit the funds into the foreclosure fairness account as provided under section 11 of this act.

(4) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than two hundred fifty notices of default in the preceding year.

(5) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

**NEW SECTION. Sec. 13.** A new section is added to chapter 61.24 RCW to read as follows:

Any duty that servicers may have to maximize net present value under their pooling and servicing agreements is owed to all parties in a deed of trust pool, not to any particular parties, and a servicer acts in the best interests of all parties if it agrees to or implements a modification or workout plan when both of the following apply:

(1) The deed of trust is in payment default, or payment default is reasonably imminent; and

(2) Anticipated recovery under a modification or workout plan exceeds the anticipated recovery through foreclosure on a net present value basis.

**Sec. 14.** RCW 61.24.135 and 2008 c 153 s 6 are each amended to read as follows:

(1) It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or

to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder.

(2) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, for any person or entity to: (a) Violate the duty of good faith under section 7 of this act; (b) fail to comply with the requirements of section 12 of this act; or (c) fail to initiate contact with a borrower and exercise due diligence as required under RCW 61.24.031.

**Sec. 15.** RCW 82.45.030 and 1993 sp.s. c 25 s 503 are each amended to read as follows:

(1) As used in this chapter, the term "selling price" means the true and fair value of the property conveyed. If property has been conveyed in an arm's length transaction between unrelated persons for a valuable consideration, a rebuttable presumption exists that the selling price is equal to the total consideration paid or contracted to be paid to the transferor, or to another for the transferor's benefit.

(2) If the sale is a transfer of a controlling interest in an entity with an interest in real property located in this state, the selling price shall be the true and fair value of the real property owned by the entity and located in this state. If the true and fair value of the real property located in this state cannot reasonably be determined, the selling price shall be determined according to subsection (4) of this section.

(3) As used in this section, "total consideration paid or contracted to be paid" includes money or anything of value, paid or delivered or contracted to be paid or delivered in return for the sale, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale.

Total consideration shall not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for taxes, special benefits, or improvements.

When a transfer or conveyance is made by deed in lieu of foreclosure to satisfy a deed of trust, total consideration shall not include the amount of any relocation assistance provided to the transferor.

(4) If the total consideration for the sale cannot be ascertained or the true and fair value of the property to be valued at the time of the sale cannot reasonably be determined, the market value assessment for the property maintained on the county property tax rolls at the time of the sale shall be used as the selling price.

**NEW SECTION. Sec. 16.** A new section is added to chapter 61.24 RCW to read as follows:

(1)(a) The department must develop model language for the initial contact letter to be used by beneficiaries as required under RCW 61.24.031. The model language must explain how the borrower may respond to the letter. The department must develop the model language in both English and Spanish and both versions must be contained in the same letter.

(b) No later than thirty days after the effective date of this section, the department must create the following forms:

(i) The notice form to be used by housing counselors and attorneys to refer borrowers to mediation under section 7 of this act;

(ii) The notice form stating that the parties have been referred to mediation along with the required information under section 7(3)(a) of this act;

(iii) The waiver form as required in section 7(4)(b) of this act;

(iv) The scheduling form notice in section 7(5)(b) of this act; and

(v) The form for the mediator's written certification of mediation.

(2) The department may create rules to implement the mediation program under section 7 of this act and to administer the funds as required under section 11 of this act.

**NEW SECTION. Sec. 17.** 2009 c 292 s 13 (uncodified) is repealed.

**NEW SECTION. Sec. 18.** 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. 19.** Sections 11, 12, and 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "foreclosures;" strike the remainder of the title and insert "amending RCW 61.24.030, 61.24.031, 61.24.135, and 82.45.030; reenacting and amending RCW 61.24.005; adding new sections to chapter 61.24 RCW; creating new sections; repealing 2009 c 292 s 13 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1362 and advanced the bill as amended by the Senate to final passage.

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

Representatives Orwall and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1362, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1362, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Armstrong, Buys, Chandler, Condotta, Fagan, Harris, Kretz, McCune, Orcutt, Overstreet, Schmick, Shea, Short and Taylor.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1362, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

#### SECOND READING

**ENGROSSED SENATE BILL NO. 5058, by Senators Pflug, Kline and Harper**

**Addressing receiverships.**

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5058.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5058, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

ENGROSSED SENATE BILL NO. 5058, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5115, by Senate Committee on Judiciary (originally sponsored by Senators Harper, Pflug, Kline, Roach, Carrell and Kilmer)**

**Concerning private transfer fee obligations.**

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5115.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5115, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys,

Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5115, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5116, by Senators Swecker, Hatfield and Parlette**

**Concerning public health district authority as it relates to gifts, grants, conveyances, bequests, and devises of real or personal property.**

The bill was read the second time.

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

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5116.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5116, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5116, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5149, by Senators Keiser, Becker, Kohl-Welles, Parlette, Conway and Kline**

**Requiring the department of health to collect current and past employment information in the cancer registry program.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5149.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5149, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5149, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5170, by Senators Holmquist Newbry, Parlette, Kohl-Welles and Kline**

#### **Increasing the number of judges to be elected in Grant county.**

The bill was read the second time.

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

Representatives Pederson and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5170.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5170, and the bill passed the House by the following vote: Yeas, 92; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn,

Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5170, having received the necessary constitutional majority, was declared passed.

### **SENATE BILL NO. 5213, by Senators Litzow and Hobbs**

#### **Addressing insurance statutes, generally.**

The bill was read the second time.

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

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5213.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5213, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5213, having received the necessary constitutional majority, was declared passed.

### **SUBSTITUTE SENATE BILL NO. 5232, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kilmer, Hobbs, Carrell, Keiser and Kohl-Welles)**

#### **Authorizing prize-linked savings deposits.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 17, 2011).

Representative Alexander moved the adoption of amendment (475) to the committee amendment:

On page 1, beginning on line 20 of the striking amendment, after "which" strike all material through "institution" on line 26 and insert ": (i) A drawing for an annual prize is held that includes as eligible prize recipients only those persons who deposited funds at the financial institution in a savings account, certificate of deposit, or any other savings program and retained those funds for at least twelve months in the savings account, certificate of deposit, or other savings program; and (ii) drawings for other prizes are held from time to time that include as eligible prize recipients only those persons who deposited funds at the financial institution in a savings account, certificate of deposit, or other savings program"

On page 7, beginning on line 16 of the striking amendment, after "means a" strike all material through "institution" on line 21 and insert "promotional contest conducted pursuant to RCW 9.46.0356(1)(b)"

Representatives Alexander and Appleton spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (475) was adopted.

The committee amendment was adopted as amended.

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

Representatives Appleton and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5232, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5232, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Uthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Anderson and Chandler.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5232, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5271, by Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Rockefeller, Swecker, Ranker, Morton, Sheldon, Delvin, Schoesler, Regala, Nelson, Fraser, Kilmer, Shin and Kline)**

### Regarding abandoned or derelict vessels.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 67, March 17, 2011).

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

Representatives Shea and Pedersen spoke in favor of the passage of the bill.

### COLLOQUY

Representative Shea: "Substitute Senate Bill No. 5271, as amended, makes it a misdemeanor for a person to intentionally and without authorization cause a vessel to sink, break up, or block a navigational channel. Is the intent of Substitute Senate Bill No. 5271 to make it a misdemeanor when a person intentionally causes a vessel to sink, break up, or block a navigational channel in order to avoid greater harm to life or other property, such as a if a person sinks a burning vessel to keep it from setting fire to other property?"

Representative Pederson: "I'd like to thank the gentleman from the 4<sup>th</sup> district for asking. The answer is no. Substitute Senate Bill No. 5271 is not intended to make it a misdemeanor for a person to intentionally cause a vessel to sink, break up, or block a navigational channel if the person demonstrates that his or her actions were necessary to avoid greater harm to life or other property. Substitute Senate Bill No. 5271 is not intended to change the common law defense of necessity in any way."

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5271, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5271, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst,

Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5271, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5295, by Senators Delvin, Swecker, Schoesler, Holmquist Newbry, Honeyford and Hewitt**

**Regarding leases of irrigation district property.**

The bill was read the second time.

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

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5295.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5295, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5295, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5307, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kilmer, Hewitt, Regala, Conway, Kastama, Hobbs, King, Rockefeller, Swecker and Roach)**

**Concerning evaluating military training and experience toward meeting licensing requirements in medical professions.**

The bill was read the second time.

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

Representatives Rolfes, Schmick and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5307.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5307, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5307, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5326, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Zarelli, Kohl-Welles, Nelson, Rockefeller and White)**

**Concerning negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 67, March 17, 2011).

Representative Klippert moved the adoption of amendment (471) to the committee amendment:

On page 2, line 12 of the amendment, after "court" strike "shall" and insert "may"

Representatives Klippert and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (471) was adopted.

The committee amendment was adopted as amended.

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

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5326, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5326, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 32; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kelley, Kenney, Kirby, Klippert, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Dahlquist, Dammeier, DeBolt, Fagan, Hargrove, Johnson, Kretz, Kristiansen, McCune, Nealey, Overstreet, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh, Wilcox and Zeiger.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5326, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5350, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Honeyford, Morton, Swecker, Delvin and Schoesler)**

**Concerning the unlawful dumping or depositing of solid waste. Revised for 1st Substitute: Concerning the unlawful dumping of solid waste.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment was adopted. (For Committee amendment, see Journal, Day 67, March 17, 2011).

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

Representatives Rolfes and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5350, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5350, as amended by the House, and the bill

passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5350, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5375, by Senators Hobbs and Benton**

**Allowing trust companies to be organized as, or convert to, limited liability companies under certain conditions.**

The bill was read the second time.

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

Representatives Kelley and Bailey spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Van De Wege, Representative Haigh was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5375.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5375, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5375, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5388, by Senators Parlette, Regala, Holmquist Newbry, Hatfield and Honeyford**

**Limiting liability for making certain land and water areas available for recreational use under a hydroelectric license.**

The bill was read the second time.

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

Representatives Pedersen and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5388.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5388, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5388, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5492, by Senators Schoesler, Hatfield and Hewitt**

**Changing Washington beer commission provisions.**

The bill was read the second time.

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

Representatives Hunt and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5492.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5492, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5492, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5505, by Senators Hill, Chase, Fain, Pridemore, Stevens, Nelson, Litzow, Swecker, Honeyford and Schoesler**

**Allowing the use of federal census data to determine the resident population of annexed territory.**

The bill was read the second time.

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

Representatives Springer and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5505.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5505, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

ENGROSSED SENATE BILL NO. 5505, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5574, by Senate Committee on Judiciary (originally sponsored by Senators Harper and Kline)**

**Concerning collection agencies.**

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5574.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5574, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5574, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5594, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Prentice, Conway, Kline and Murray)**

**Regulating the handling of hazardous drugs.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5594.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5594, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5594, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following:

HOUSE BILL NO. 1016  
 ENGROSSED HOUSE BILL NO. 1028  
 HOUSE BILL NO. 1069  
 HOUSE BILL NO. 1150  
 SUBSTITUTE HOUSE BILL NO. 1294  
 HOUSE BILL NO. 1298  
 HOUSE BILL NO. 1412  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1572  
 HOUSE BILL NO. 1618  
 HOUSE BILL NO. 1649  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055  
 HOUSE BILL NO. 1129  
 SUBSTITUTE HOUSE BILL NO. 1247  
 HOUSE BILL NO. 1345  
 HOUSE BILL NO. 1347  
 ENGROSSED HOUSE BILL NO. 1357  
 HOUSE BILL NO. 1424  
 HOUSE BILL NO. 1488  
 SUBSTITUTE HOUSE BILL NO. 1571  
 HOUSE BILL NO. 1694  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5124  
 SUBSTITUTE SENATE BILL NO. 5157  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5747

The Speaker called upon Representative Moeller to preside.

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

There being no objection, the Committee on General Government Appropriations & Oversight was relieved of SUBSTITUTE SENATE BILL NO. 5741, and the bill was referred to the Committee on Rules.

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

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5071, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Murray, Pflug, Keiser, Conway, Kline, Parlette and Roach)**

**Providing licensed midwives online access to the University of Washington health services library. Revised for 1st Substitute: Providing licensed midwives and marriage and family therapists online access to the University of Washington health sciences library.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5071.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5071, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Crouse, Haigh, Hinkle, Hurst and Warnick.

SUBSTITUTE SENATE BILL NO. 5071, having received the necessary constitutional majority, was declared passed.

## SENATE BILL NO. 5224, by Senators Hobbs and Fraser

**Increasing the charge limit for the preparation of condominium resale certificates.**

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Kristiansen, Representative Anderson was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5224.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5224, and the bill passed the House by the following vote: Yeas, 74; Nays, 17; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Seaquist, Sells, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Walsh, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Buys, Condotta, Fagan, Harris, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Pearson, Schmick, Shea, Short, Taylor, Van De Wege and Wilcox.

Excused: Representatives Anderson, Crouse, Haigh, Hinkle, Hurst and Warnick.

SENATE BILL NO. 5224, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5242, by Senators Hargrove, Pflug, Kline, Regala, Harper, Carrell, Keiser, Nelson, Sheldon, Conway and Shin**

## Addressing motorcycle profiling.

The bill was read the second time.

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

Representatives Kirby and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5242.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5242, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Anderson, Crouse, Haigh, Hinkle, Hurst and Warnick.

ENGROSSED SENATE BILL NO. 5242, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5495, by Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles and Pflug)**

**Addressing shareholder quorum and voting requirements under the Washington business corporation act. Revised for 1st Substitute: Concerning shareholder quorum and voting requirements under the Washington business corporation act.**

The bill was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5495.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5495, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Overstreet.

Excused: Representatives Anderson, Crouse, Haigh, Hinkle and Warnick.

SUBSTITUTE SENATE BILL NO. 5495, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5501, by Senators Murray, Kilmer, Schoesler, Conway, Honeyford, Kohl-Welles, Keiser, Shin, Holmquist Newbry and White**

**Concerning the taxation of employee meals provided without specific charge.**

The bill was read the second time.

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

Representatives Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5501.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5501, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Hudgins.

Excused: Representatives Anderson, Crouse, Haigh, Hinkle and Warnick.

SENATE BILL NO. 5501, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5538, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senator White)**

**Concerning members of certain nonprofit conservation corps programs.**

The bill was read the second time.

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

Representatives Reykdal, Condotta and Frockt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5538.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5538, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haler, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Overstreet.

Excused: Representatives Anderson, Crouse, Haigh, Hinkle and Warnick.

SUBSTITUTE SENATE BILL NO. 5538, having received the necessary constitutional majority, was declared passed.

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

### REPORTS OF STANDING COMMITTEES

March 30, 2011

HB 1449 Prime Sponsor, Representative Hunter: Establishing a processing fee for educator certificates. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations & Oversight be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Cody; Dickerson; Haigh; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Hinkle; Parker; Ross and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

HB 1741 Prime Sponsor, Representative Kagi: Regarding temporary assistance for needy families benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning

& Human Services. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Cody; Dickerson; Haigh; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Parker; Ross; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

HB 1965 Prime Sponsor, Representative Kagi: Concerning adverse childhood experiences. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Cody; Dickerson; Haigh; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Hinkle; Parker; Ross; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

HB 2017 Prime Sponsor, Representative Hunter: Transferring the master license service program to the department of revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representative Parker.

Passed to Committee on Rules for second reading.

March 31, 2011

HB 2019 Prime Sponsor, Representative Dunshee: Concerning the deposit of the additional cigarette tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member;

Dammeier, Assistant Ranking Minority Member; Carlyle; Cody; Dickerson; Haigh; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Parker; Ross; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 30, 2011

HB 2036 Prime Sponsor, Representative Pearson: Implementing the policy recommendations resulting from the national institute of corrections review of prison safety. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Armstrong; Goodman; Hope; Kirby; Moscoso and Ross.

Referred to Committee on Ways & Means.

March 30, 2011

E2SSB 5000 Prime Sponsor, Committee on Transportation: Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Asay; Eddy; Finn; Fitzgibbon; Jinkins; Johnson; Klippert; Kristiansen; Ladenburg; McCune; Moeller; Morris; Moscoso; Overstreet; Reykdal; Rivers; Rodne; Rolfes; Ryu; Shea; Takko; Upthegrove and Zeiger.

Passed to Committee on Rules for second reading.

March 31, 2011

E2SSB 5073 Prime Sponsor, Committee on Ways & Means: Concerning the medical use of cannabis. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Health Care & Wellness. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Cody; Dickerson; Haigh; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Hinkle; Hudgins; Parker; Ross; Schmick; Seaquist and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SB 5083

Prime Sponsor, Senator Ranker: Clarifying that the basis for business and occupation tax for real estate firms is the commission amount received by each real estate firm involved in a transaction. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 28, 2011

SSB 5097

Prime Sponsor, Committee on Human Services & Corrections: Concerning juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails. Reported by Committee on Health & Human Services Appropriations & Oversight

MAJORITY recommendation: Do pass as amended. Signed by Representatives Dickerson, Chair; Appleton, Vice Chair; Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Cody; Green; Harris; Kagi; Overstreet; Pettigrew and Walsh.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5167

Prime Sponsor, Committee on Ways & Means: Concerning tax statute clarifications and technical corrections, including for the purposes of local rental car taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 29, 2011

SSB 5187

Prime Sponsor, Committee on Human Services & Corrections: Concerning the accountability of mental health professionals employed by an evaluation and treatment facility for communicating with a parent or guardian about the option of parent-initiated mental health treatment. Reported by Committee on Health & Human Services Appropriations & Oversight

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations & Oversight and without amendment by Committee on Early Learning & Human Services.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.34.375 and 2003 c 107 s 1 are each amended to read as follows:

(1) ~~((The))~~ An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW is required to promptly provide written and verbal notice of all statutorily available treatment options contained in this chapter to every parent or guardian of a minor child when the parent or guardian ((seeks to have)) is seeking mental health treatment for his or her minor child ((treated at an evaluation and treatment facility)). The notice need not be given more than once if written and verbal notice has already been provided and documented by the facility.

(2) The notice must contain the following information and the provision of notice must be documented by the evaluation and treatment facility or the inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and accompanied by a signed acknowledgment of receipt by the parent or guardian:

(a) All current statutorily available treatment options including but not limited to those provided in this chapter; and

(b) The procedures to be followed to utilize the treatment options described in this chapter.

(3) The department shall produce, and make available, the written notification that must include, at a minimum, the information contained in subsection (2) of this section.

(4) Pursuant to the provisions of RCW 71.34.700, if a minor is brought to an evaluation and treatment facility or an emergency room for immediate mental health services and is unwilling to consent to voluntary admission, the parent or guardian, if present, must be notified, as described in this section, of the statutorily available treatment options contained in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW to read as follows:

An evaluation and treatment facility that fails to comply with the requirement to provide verbal and written notice to a parent or guardian of a child under RCW 71.34.375 is subject to a civil penalty of one thousand dollars for each failure to provide adequate notice, unless the evaluation and treatment facility is a hospital licensed under chapter 70.41 RCW or a psychiatric hospital licensed under chapter 71.12 RCW in which case the department of health may enforce the notice requirements using its existing enforcement authority provided in chapters 70.41 and 71.12 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 71.34 RCW to read as follows:

(1) By December 1, 2011, inpatient facilities licensed under chapter 70.41, 71.12, or 72.23 RCW are required to adopt policies and protocols regarding the notice requirements described in RCW 71.34.375; and

(2) By December 1, 2012, the department shall provide a detailed report to the legislature regarding the facilities' compliance with RCW 71.34.375 and subsection (1) of this section."

Correct the title.

Signed by Representatives Dickerson, Chair; Appleton, Vice Chair; Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Cody; Green; Harris; Kagi; Pettigrew and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Overstreet.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5202

Prime Sponsor, Committee on Human Services & Corrections: Regarding sexually violent predators. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Public Safety & Emergency Preparedness. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5204

Prime Sponsor, Committee on Human Services & Corrections: Concerning juveniles who have been adjudicated of a sex offense. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Early Learning & Human Services. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Cody; Dickerson; Haigh; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Hinkle; Parker; Ross; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 30, 2011

SSB 5250

Prime Sponsor, Committee on Transportation: Concerning the design-build procedure for certain projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Asay; Eddy; Finn; Fitzgibbon; Jinkins; Johnson; Klippert; Kristiansen; Ladenburg; McCune; Moeller; Morris; Moscoso; Overstreet; Reykdal; Rivers; Rodne; Rolfes; Ryu; Shea; Takko; Uptegrove and Zeiger.

Passed to Committee on Rules for second reading.

March 31, 2011

ESSB 5253

Prime Sponsor, Committee on Government Operations, Tribal Relations & Elections: Concerning tax increment financing for landscape conservation and local infrastructure. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Dammeier, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Ross; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Haler; Parker and Schmick.

Passed to Committee on Rules for second reading.

March 30, 2011

SB 5304 Prime Sponsor, Senator Kilmer: Requiring forecasting of caseloads of the state need grant program and the Washington college bound scholarship program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5359 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Concerning contiguous land under current use open space property tax programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5364 Prime Sponsor, Committee on Environment, Water & Energy: Concerning public water system operating permits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass without amendment by Committee on Environment. Signed by Representative

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier,

Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Hinkle; Parker; Ross; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5394 Prime Sponsor, Committee on Health & Long-Term Care: Concerning primary care health homes and chronic care management. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Health Care & Wellness. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Carlyle; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Parker; Ross; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5427 Prime Sponsor, Committee on Ways & Means: Regarding an assessment of students in state-funded full-day kindergarten classrooms. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Cody; Dickerson; Haigh; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Ross; Seaquist; Springer and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Haler; Parker; Schmick and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5445 Prime Sponsor, Committee on Health & Long-Term Care: Establishing a health benefit exchange. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Assistant Ranking Minority Member; Chandler and Parker.

Passed to Committee on Rules for second reading.

March 30, 2011

ESSB 5457 Prime Sponsor, Committee on Transportation: Providing a congestion reduction charge to fund the operational and capital needs of transit agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that public transportation provides many benefits to the citizens of the state and the environment, including through public transportation's ability to alleviate congestion and offset the burdens placed by general vehicular traffic on the state's transportation infrastructure. In these challenging economic times, many transit agencies find themselves struggling to continue to provide a level of service that reduces congestion.

The legislature further recognizes that King county conducted a regional transit task force in 2010 that considered a policy framework for the potential future growth and, if necessary, contraction of King county's transit system. The task force members were selected to represent a broad diversity of interests and perspectives. The task force recommendations, which were unanimously accepted, addressed key elements, such as the adoption of performance measures, controlling operating costs, developing policy guidance for making service reductions, and clear and transparent guidelines for service allocation. As a result of the work done by the task force and King county's commitment to comply with the recommendations, it is the intent of the legislature that King county be provided the opportunity to impose a temporary congestion reduction charge, which is separate and distinct from the base motor vehicle license fee, that can help address its revenue shortfalls during this economic crisis and allow it to continue reducing congestion and the corresponding burdens placed on the highway system on some of the state's most crowded corridors.

The legislature further recognizes the cuts, downsizing, and reductions in service that community transit has undertaken to date, including the suspension of service on Sundays and holidays. Community transit has also completed a six-year transit development plan for 2008-2013, and on March 3, 2011, adopted its first long-range transit plan setting strategic service, capital, and policy direction for the agency over the next twenty years through 2030. These efforts have been integrated with the Puget Sound regional council's transportation 2040 plan, sound transit's long-range plan, and Snohomish county's multimodal transportation vision. The long-range transit plan was developed through months of work with local jurisdictions; Snohomish county; other transit agencies; the Puget Sound regional council; the Washington state department of transportation; and workshops, forums, and focus groups with business leaders, riders, and local citizens. The long-range transit plan includes performance guidelines that set targets for each community transit route; informs local jurisdictions about the population densities, development patterns, and infrastructure that support effective transit service; and emphasizes the partnerships and coordinated planning needed to ensure that all agencies are working efficiently toward a common transportation vision. As a result of the work done by community transit to date, in contemplation of the creation of the congestion reduction and connectivity plan required by

this act, and due to community transit's commitment to comply with the recommendations and requirements of the congestion reduction and connectivity plan, it is the intent of the legislature that community transit also be provided the opportunity to impose a temporary congestion reduction charge, which is separate and distinct from the base motor vehicle license fee, that can help address its revenue shortfalls during this economic crisis and allow it to continue reducing congestion and the corresponding burdens placed on the highway system on some of the state's most crowded corridors.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.80 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system and the governing body of a public transportation benefit area located in a county with a population of more than six hundred thousand but fewer than seven hundred fifty thousand may impose, if approved by a majority of the voters within that county or a two-thirds majority of the governing body, an annual congestion reduction charge of up to twenty dollars per vehicle registered in the boundaries of the county for each vehicle subject to vehicle license fees under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), (n), (o), (p), or (q) and for each vehicle subject to gross weight license fees under RCW 46.17.355 with an unladen weight of six thousand pounds or less.

(b) Prior to the imposition of a congestion reduction charge authorized under (a) of this subsection, a governing body must complete a congestion reduction plan indicating the proposed expenditures of the proceeds of the congestion reduction charge.

(c) If a governing body that imposes a congestion reduction charge authorized under (a) of this subsection completed a regional transit task force evaluating system improvements and efficiencies within two years prior to the imposition of the charge, the proceeds from the charge must be expended in a manner consistent with the recommendations of the regional transit task force.

(d) If a governing body that imposes a congestion reduction charge authorized under (a) of this subsection did not complete a regional transit task force, prior to collecting the congestion reduction charge the governing body must:

(i) Complete a congestion reduction and connectivity plan designed to reduce congestion on major transportation corridors and better connect the public transportation benefit area, state ferry terminals, and any other transit agencies located in the same county;

(ii) Ensure that the congestion reduction and connectivity plan is consistent with the public transportation benefit area's existing transit development plan and long-range transit plan;

(iii) Consult with the Washington state ferries, affected ferry riders, and any other transit agencies in the same county on the development of the congestion reduction and connectivity plan; and

(iv) Convene a regional transit task force composed of citizens, elected officials, and community leaders to advise on the creation of the congestion reduction and connectivity plan.

(e) A governing body required to complete a congestion reduction and connectivity plan pursuant to (d) of this subsection may not expend any of the revenue generated by the congestion reduction charge imposed under (a) of this subsection until after the congestion reduction and connectivity plan is completed and approved by the governing body and the director of the public transportation division of the Washington state department of transportation.

(f) A governing body required to complete a congestion reduction and connectivity plan pursuant to (d) of this subsection must expend at least ten percent of the revenue generated by the congestion reduction charge imposed under (a) of this subsection to improve connectivity between the public transportation benefit area, state ferry terminals, and any other transit agencies located in the same county in

a manner consistent with the congestion reduction and connectivity plan.

(g) A governing body that imposes a congestion reduction charge authorized under (a) of this subsection must complete a report by July 1, 2012, detailing the expenditures of the proceeds of the congestion reduction charge through June 1, 2012.

(h) A governing body that imposes a congestion reduction charge authorized under (a) of this subsection must complete a report by June 1, 2014, detailing the expenditures of the proceeds of the congestion reduction charge.

(2) The governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system and the governing body of a public transportation benefit area located in a county with a population of more than six hundred thousand but fewer than seven hundred fifty thousand may not impose a congestion reduction charge authorized under subsection (1)(a) of this section for a passenger-only ferry transportation improvement, unless the charge is first approved by a majority of the voters within that county.

(3) The governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system and the governing body of a public transportation benefit area located in a county with a population of more than six hundred thousand but fewer than seven hundred fifty thousand shall contract with the department of licensing as provided under section 3 of this act for the collection of the congestion reduction charge.

(4) A congestion reduction charge imposed under this section may not be assessed until six months after approval.

(5) A congestion reduction charge imposed under this section applies only for vehicle registration renewals and is effective upon the registration renewal date as provided by the department of licensing.

(6) The following vehicles are exempt from the congestion reduction charge imposed under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road vehicles as defined in RCW 46.04.365;

(c) Nonhighway vehicles as defined in RCW 46.09.310;

(d) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(e) Snowmobiles as defined in RCW 46.04.546.

(7) The authority to impose a congestion reduction charge authorized in subsection (1)(a) of this section expires with vehicle registrations that expire two years after the imposition of the charge or no later than June 30, 2014, whichever comes first.

(8) A congestion reduction charge authorized under subsection (1)(a) of this section may only be imposed after June 30, 2014, if approved by a majority of the voters within a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system or a county with a population of more than six hundred thousand but fewer than seven hundred fifty thousand.

(9) This section expires December 31, 2014.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.68 RCW to read as follows:

Whenever the department enters into a contract with the governing body of a county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW and is operating a public transportation system and the governing body of a public transportation benefit area located in a county with a population of more than six hundred thousand but fewer than seven hundred fifty thousand for the

collection of congestion reduction charges authorized under section 2 of this act:

(1) The contract must require that the governing body provide any information specified by the department to identify the vehicle owners who owe the congestion reduction charges, and must specify that it is the responsibility of the governing body to ensure that the congestion reduction charges are appropriately applied;

(2) The department is not responsible for the collection of congestion reduction charges until a date agreed to by both parties as specified in the contract;

(3) The department shall deduct a percentage amount as provided in the contract, not to exceed three percent of the charges collected, necessary to reimburse the department for the costs incurred for the collection of the congestion reduction charges; and

(4) The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the governing body on a monthly basis.

**NEW SECTION. Sec. 4.** 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."

Correct the title.

Signed by Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Eddy; Finn; Fitzgibbon; Jinkins; Ladenburg; Moeller; Morris; Moscoso; Reykdal; Rolfes; Ryu; Takko and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Asay; Johnson; Klippert; Kristiansen; McCune; Overstreet; Rivers; Rodne; Shea and Zeiger.

Passed to Committee on Rules for second reading.

March 28, 2011

**SB 5480**

Prime Sponsor, Senator Conway: Concerning submission of certain information by physicians and physician assistants at the time of license renewal. Reported by Committee on Health & Human Services Appropriations & Oversight

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Appleton, Vice Chair; Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Cody; Green; Harris; Kagi; Pettigrew and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Overstreet.

Passed to Committee on Rules for second reading.

March 31, 2011

**SB 5516**

Prime Sponsor, Senator Tom: Allowing advance payments for equipment maintenance services for institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hunt; Kagi; Kenney;

Ormsby; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Hudgins and Parker.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5525 Prime Sponsor, Committee on Ways & Means: Concerning hospital benefit zones that have already formed. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 30, 2011

SB 5526 Prime Sponsor, Senator Regala: Concerning incentives for stirling converters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5531 Prime Sponsor, Committee on Human Services & Corrections: Reimbursing counties for providing judicial services involving mental health commitments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Judiciary. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 30, 2011

2SSB 5595

Prime Sponsor, Committee on Ways & Means: Concerning the distribution of the public utility district privilege tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.

On page 2, line 4, after "retain" strike "sixty" and insert "seventy"

Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

E2SSB 5596 Prime Sponsor, Committee on Ways & Means: Requiring the department of social and health services to submit a demonstration waiver request to revise the federal medicaid program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5614 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Establishing procedures for requesting the funds necessary to implement the compensation and fringe benefit provisions of bargaining agreements with the University of Washington under chapter 41.80 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor & Workforce Development. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Carlyle.

Passed to Committee on Rules for second reading.

March 30, 2011

SB 5628 Prime Sponsor, Senator Fain: Concerning a limited property tax exemption from the emergency medical services levy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5636 Prime Sponsor, Committee on Ways & Means: Concerning the University Center of North Puget Sound. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Higher Education. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5691 Prime Sponsor, Committee on Human Services & Corrections: Streamlining the crime victims' compensation program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Public Safety & Emergency Preparedness as such amendment is amended by Committee on Ways & Means. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 29, 2011

ESSB 5748 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding cottage food operations. Reported by Committee on Health & Human Services Appropriations & Oversight

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations & Oversight and without amendment by Committee on Agriculture & Natural Resources. Signed by Representatives Dickerson, Chair; Appleton, Vice Chair; Cody; Green; Kagi; Pettigrew and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Harris and Overstreet.

Passed to Committee on Rules for second reading.

March 31, 2011

SSB 5749 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding the Washington advanced college tuition payment (GET) program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Hudgins; Hunt; Kagi; Kenney; Ormsby; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

Passed to Committee on Rules for second reading.

March 31, 2011

ESB 5773 Prime Sponsor, Senator Zarelli: Making a health savings account option and high deductible health plan available to public employees. (REVISED FOR ENGROSSED: Making a health savings account option and high deductible health plan option and a direct patient-provider primary care practice option available to public employees. ) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Darneille, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle; Chandler; Cody; Dickerson; Haigh; Haler; Hinkle; Kagi; Kenney; Parker; Pettigrew; Ross; Schmick; Seaquist; Springer; Sullivan and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair; Hudgins; Hunt and Ormsby.

Passed to Committee on Rules for second reading.

March 30, 2011

SSB 5785 Prime Sponsor, Committee on Transportation: Reconvening an Alaskan Way viaduct and Seattle Seawall replacement project expert review panel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

The department shall reconvene an expert review panel for the purposes of updating the work that was previously completed by the 2006 panel on the Alaskan Way viaduct and Seattle Seawall replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must consist of no more than three members and must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report updated findings and recommendations to the commission, the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the joint transportation committee by October 2011, and annually thereafter until the project is operationally complete. Upon receipt of the expert review panel's updated findings and recommendations in October, the joint transportation committee must consider the findings and recommendations at a public meeting, which includes hearing an evaluation of whether the financial plan for the Alaskan Way viaduct and Seattle Seawall replacement project is feasible and sufficient to complete the project as described in the final environmental impact statement. The joint transportation committee shall forward any concerns with the financial plan that are presented at the meeting to the governor. When reconvening the expert review panel, the department must be attentive to cost and consider ways to minimize expert review panel expenditures, such as the use of teleconferencing. Anticipated expenditures related to the expert review panel must be included in the panel's findings and recommendations reports."

Correct the title.

Signed by Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Eddy; Finn; Fitzgibbon; Jinkins; Ladenburg; Moeller; Morris; Moscoso; Reykdal; Rolfes; Ryu; Takko and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Asay; Johnson; Klippert; Kristiansen; McCune; Overstreet; Rivers; Rodne; Shea and Zeiger.

Passed to Committee on Rules for second reading.

March 30, 2011

SSB 5791 Prime Sponsor, Committee on Transportation: Allowing certain commercial activity at certain park and ride lots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Eddy; Finn; Fitzgibbon; Jinkins; Ladenburg; Moeller; Morris; Moscoso; Reykdal; Rolfes; Ryu; Takko and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Asay; Johnson; Klippert; Kristiansen; McCune; Overstreet; Rivers; Rodne; Shea and Zeiger.

Passed to Committee on Rules for second reading.

March 30, 2011

SSB 5836 Prime Sponsor, Committee on Transportation: Allowing certain private transportation providers to use certain public transportation facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Asay; Eddy; Finn; Fitzgibbon; Jinkins; Johnson; Klippert; Kristiansen; Ladenburg; McCune; Moeller; Morris; Moscoso; Reykdal; Rivers; Rodne; Rolfes; Ryu; Shea; Takko; Upthegrove and Zeiger.

MINORITY recommendation: Do not pass. Signed by Representative Overstreet.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., April 4, 2011, the 85th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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