

**THIRTY THIRD DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Friday, February 10, 2012

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Delvin, Frockt, Haugen and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Gavin Hobbs and Scott Nichols, presented the Colors. Pastor Dan Sailer Stanwood Methodist Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1753,  
 SUBSTITUTE HOUSE BILL NO. 2056,  
 SUBSTITUTE HOUSE BILL NO. 2252,  
 HOUSE BILL NO. 2275,  
 HOUSE BILL NO. 2292,  
 ENGROSSED HOUSE BILL NO. 2449,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2664.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1852,  
 SUBSTITUTE HOUSE BILL NO. 2149,  
 HOUSE BILL NO. 2224,  
 HOUSE BILL NO. 2244,  
 HOUSE BILL NO. 2396,  
 SUBSTITUTE HOUSE BILL NO. 2439.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2048,

HOUSE BILL NO. 2329,  
 HOUSE BILL NO. 2339,  
 SUBSTITUTE HOUSE BILL NO. 2354,  
 HOUSE BILL NO. 2393,  
 SUBSTITUTE HOUSE BILL NO. 2422,  
 HOUSE BILL NO. 2482,  
 SUBSTITUTE HOUSE BILL NO. 2491,  
 SUBSTITUTE HOUSE BILL NO. 2492,  
 HOUSE BILL NO. 2524,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2234,  
 SUBSTITUTE HOUSE BILL NO. 2261,  
 HOUSE BILL NO. 2287,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,  
 SUBSTITUTE HOUSE BILL NO. 2355,  
 HOUSE BILL NO. 2459,  
 HOUSE BILL NO. 2476,  
 SUBSTITUTE HOUSE BILL NO. 2541,  
 SUBSTITUTE HOUSE BILL NO. 2578,  
 SUBSTITUTE HOUSE BILL NO. 2603,  
 SUBSTITUTE HOUSE BILL NO. 2657,  
 SUBSTITUTE HOUSE BILL NO. 2658.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2356,  
 HOUSE BILL NO. 2485,  
 SUBSTITUTE HOUSE BILL NO. 2512,  
 HOUSE BILL NO. 2566,  
 SUBSTITUTE HOUSE BILL NO. 2574,  
 HOUSE BILL NO. 2595.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,  
 ENGROSSED HOUSE BILL NO. 2368,  
 HOUSE BILL NO. 2499,  
 HOUSE BILL NO. 2535,  
 ENGROSSED HOUSE BILL NO. 2558,  
 HOUSE BILL NO. 2610,  
 HOUSE BILL NO. 2639,

HOUSE BILL NO. 2653,  
HOUSE BILL NO. 2705,  
HOUSE BILL NO. 2741.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1627 by House Committee on Local Government (originally sponsored by Representatives Fitzgibbon, Maxwell, Springer, Eddy, Clibborn and Tharinger)

AN ACT Relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation; amending RCW 36.93.150; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 1775 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Kagi)

AN ACT Relating to juvenile restorative justice programs; and amending RCW 13.40.020 and 13.40.080.

Referred to Committee on Human Services & Corrections.

SHB 2191 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Rivers, Blake, Klippert, Hurst, Haler, Takko, Alexander, Hope, Harris and Reykdal)

AN ACT Relating to police dogs; amending RCW 16.08.040 and 9A.76.200; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 2223 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Takko, Morris, Armstrong and Angel)

AN ACT Relating to modifying the effective date of RCW 19.122.130 from 2011's underground utility damage prevention act; amending RCW 19.122.130; and amending 2011 c 263 s 27 (uncodified).

Referred to Committee on Energy, Natural Resources & Marine Waters.

HB 2256 by Representatives Kelley, Bailey, Kirby, Rivers, Ryu, Condotta, Buys and Stanford

AN ACT Relating to the licensing of escrow agents; and amending RCW 18.44.011 and 31.04.025.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2259 by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Seaquist, Haler and Roberts)

AN ACT Relating to higher education reporting requirements; creating a new section; and repealing RCW 28B.10.569.

Referred to Committee on Higher Education & Workforce Development.

SHB 2270 by House Committee on Transportation (originally sponsored by Representatives Angel, Armstrong, Johnson and Finn)

AN ACT Relating to signage for automated traffic safety camera locations; amending RCW 46.63.170; and providing an effective date.

Referred to Committee on Transportation.

HB 2274 by Representatives Armstrong, Clibborn and Ormsby

AN ACT Relating to allowing registered tow truck operators to pass the costs of tolls and ferry fares to the impounded vehicle's registered owner; and amending RCW 46.55.035.

Referred to Committee on Transportation.

HB 2285 by Representatives Hunt and Appleton

AN ACT Relating to making technical corrections to campaign finance laws; amending RCW 42.17A.215; reenacting and amending RCW 42.17A.110; and repealing 2011 1st sp.s. c 43 s 448.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 2299 by House Committee on Transportation (originally sponsored by Representatives Warnick, Clibborn, Haigh, Armstrong, Short, Nealey, Fagan, Tharinger, Hunt, Moscoso and Jinkins)

AN ACT Relating to "4-H" special license plates; reenacting and amending RCW 46.18.200, 46.17.220, 46.68.420, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 2312 by House Committee on Transportation (originally sponsored by Representatives Zeiger, Clibborn, Armstrong, Ladenburg, Hargrove, Billig, Dammeier, Orwall, Bailey, Takko, Finn, Asay, Smith, Tharinger, Kelley, Pearson, Miloscia and Moscoso)

AN ACT Relating to military service award emblems; amending RCW 46.18.295 and 46.16A.215; and providing an effective date.

Referred to Committee on Transportation.

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SHB 2313 by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Carlyle, Probst, Wilcox, Anderson, Haler, Fagan, Reykdal, Springer, Buys, Pollet, Wylie, Crouse, Jinkins, Moscoso and Overstreet)

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

AN ACT Relating to the meeting procedures of the boards of trustees and boards of regents of institutions of higher education; and amending RCW 28B.20.105, 28B.30.120, 28B.35.110, 28B.40.110, and 28B.50.100.

Senator Fraser moved that Gubernatorial Appointment No. 9227, Harriet Spanel, as a member of the Recreation and Conservation Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

Referred to Committee on Higher Education & Workforce Development.

APPOINTMENT OF HARRIET SPANEL

ESHB 2314 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Green)

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9227, Harriet Spanel as a member of the Recreation and Conservation Funding Board.

AN ACT Relating to implementing revisions to long-term care services without delaying the start of the long-term care worker minimum training or certification requirements in Initiative Measure No. 1163 beyond January 7, 2012, reducing those requirements, or, except for long-term care workers employed by community residential service businesses, exempting additional workers from those requirements; amending RCW 18.88B.010, 74.39A.009, 18.88B.021, 18.88B.041, 18.88B.031, 74.39A.074, 74.39A.076, 74.39A.331, 74.39A.351, 74.39A.341, 18.79.260, 74.39A.261, 74.39A.056, 18.20.125, 43.20A.710, 43.43.837, 18.88B.050, 74.39A.086, 74.39A.051, 18.20.270, 70.128.120, 70.128.130, 70.128.230, 74.39A.010, 74.39A.020, and 74.39A.250; amending 2012 c 1 ss 201 and 303 (uncodified); reenacting and amending RCW 74.39A.095; adding new sections to chapter 18.88B RCW; creating new sections; and declaring an emergency.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9227, Harriet Spanel as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown and Frockt

Excused: Senators Baumgartner, Delvin, Haugen and Pflug  
Gubernatorial Appointment No. 9227, Harriet Spanel, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

Referred to Committee on Health & Long-Term Care.

MOTION

EHB 2469 by Representatives Upthegrove, Angel, Takko and Asay

On motion of Senator Eide, Senators Brown and Frockt were excused.

AN ACT Relating to boatyard storm water treatment systems; and amending RCW 90.58.355.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Referred to Committee on Environment.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

Senator Fraser moved that Gubernatorial Appointment No. 9225, Phil Rockefeller, as a member of the Salmon Recovery Funding Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

APPOINTMENT OF PHIL ROCKEFELLER

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

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9225, Phil Rockefeller as a member of the Salmon Recovery Funding Board.

MOTION

On motion of Senator Harper, Senators Hatfield, Haugen, McAuliffe and Regala were excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9225, Phil Rockefeller as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

MOTION

On motion of Senator Ericksen, Senators Baumgartner, Delvin, Pflug and Roach were excused.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker,

Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford and Padden

Excused: Senators Baumgartner, Delvin, Haugen and Pflug

Gubernatorial Appointment No. 9225, Phil Rockefeller, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8016, by Senators Kastama, Shin, Chase, Hatfield, Kilmer and Fraser

Encouraging the beyond the border action plan on perimeter security and economic competitiveness and the action plan on regulatory cooperation between the United States and Canada.

#### MOTIONS

On motion of Senator Kastama, Substitute Senate Joint Memorial No. 8016 was substituted for Senate Joint Memorial No. 8016 and the substitute memorial was placed on the second reading and read the second time.

On motion of Senator Kastama the rules were suspended, Substitute Senate Joint Memorial No. 8016 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Kastama, Shin, Sheldon, Ranker, Roach and Morton spoke in favor of passage of the memorial.

Senator Ericksen spoke on final passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8016.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8016 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Ericksen

Excused: Senators Baumgartner and Pflug

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8016, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5343, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Delvin, Hatfield, Honeyford, Becker, Shin and Schoesler)

Concerning air emissions from anaerobic digesters.

#### MOTIONS

On motion of Senator Haugen, Second Substitute Senate Bill No. 5343 was substituted for Substitute Senate Bill No. 5343 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Second Substitute Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Ericksen and Honeyford spoke in favor of passage of the bill.

Senator Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5343.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Padden, Parlette, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Chase, Fraser, Frockt, Kline, Nelson and Prentice

Excused: Senators Baumgartner and Pflug

SUBSTITUTE SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5159, by Senators Schoesler, Conway, Fain, Holmquist Newbry, Carrell, Murray, Becker, Haugen, Hobbs, Pridemore, Rockefeller, Roach, McAuliffe and Kilmer

Authorizing the transfer of service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and communications officers and then became commissioned troopers in the Washington state patrol.

The measure was read the second time.

#### MOTION

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

On page 1, line 13, after "July" strike "1" and insert "16"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Conway on page 1, line 13 to Senate Bill No. 5159.

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

#### MOTION

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On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5159.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Pflug

ENGROSSED SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Murray, Senator Eide was excused.

#### SECOND READING

SENATE BILL NO. 6025, by Senators Kline, Padden, Eide, Becker, Shin and Tom

Eliminating the mandatory retirement provision for district judges.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6025 was substituted for Senate Bill No. 6025 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6025.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brown, Carrell, Chase, Conway, Delvin, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson,

Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Benton, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Baumgartner, Eide and Pflug

SUBSTITUTE SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Ericksen, Senator Hill was excused.

#### REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the Senate, there's no country in the world that is a better friend to our country than our neighbor to the north, Canada. I don't know if there is a greater friend to the State of Washington than our British Columbia Province to the north. They are our allies. They are our trading partners and allies except with this little friendly competition that we have once in a while with the great Seattle Sounders and the BC Whitecaps as well. Governor Gregoire and Premier Clark and her predecessor Campbell have worked incredibly close not to just maintain our great friendship but to break down barriers to trade and burdensome regulations and they have done a great job with that. So the President is honored to welcome Premier Clark from British Columbia to the Senate and pleased to turn the rostrum over to Her Excellency, Governor Gregoire."

#### REMARKS BY GOVERNOR GREGOIRE

Governor Gregoire: "Good morning and thank you to Lieutenant Governor Owen and good morning everyone. It's a pleasure for me to be here today and particular for me to introduce to you a very dear friend to the people of the great state of Washington. For the past six years, uniquely across the United States and Canada, we have had in exchange of our perspective cabinets every year and we have much to show for what have been able to do but as I have been in Canada and as I have been most particularly in British Columbia each time I have said Yes, we have a common border and some might say a common mother but most importantly what we have is an absolute most amazing friendship and that friendship has allowed us to prosper in terms of our culture, our exchange, our two-nation vacation in many respects our economies, our cultures they are our best friends here in the state of Washington. I have had a wonderful relationship with Premier Campbell, now Ambassador to England, and one year ago, approximately, Premier Clark came on. I was a bit hesitant, wondered if the relationship would be as strong, it is not just as strong, it is stronger yet. We have developed a close personal relationship. Our two cabinets continue to work together unbelievably well so I am honored and pleased today to say thank you to the people of British Columbia and to the leadership of British Columbia for being friends to people of the great state of Washington and introduce to all of you a dear friend to us and a wonderful leader of the people of British Columbia Premier Christy Clark, Premier."

#### REMARKS BY PREMIERE CHRISTY CLARK

Premiere Clark: "It is a great privilege to be able to address you today in your senate. I just want to take a moment to introduce to you some of the cabinet members who I brought with me. Joining us in the gallery is Minister in Environment, Terry

Lake; Minister of Energy and Mines, Rich Coleman; Minister of Justice and Attorney General, Shirley Bond; and Minister of Transportation and Infrastructure, Blair Lekstrom. The people of British Columbia are very happy today. There are six fewer politicians within our borders. I'm delighted to be and to bring my best wishes and greetings on behalf of British Columbia. As the Governor said, we enjoy a long relationship between our two jurisdictions and it is not a relationship though, it is a friendship. It's a deep and unique friendship between two jurisdictions that share a great deal more in common with each other than we do with other parts of our own countries in many cases. We've grown up together. Our kids play hockey together. We will be attending soccer games together, although I will be in a White Caps jersey. We have worked together for these last many years, particularly under the exceptional leadership of Governor Gregoire, to find common approaches on the environment, on transportation, on law enforcement and to think of our border as one of our greatest economic assets as we work together to try and put people on both sides of the border to work at great family supporting jobs. Which is, of course, why we all seek public office in the first place. I'm delighted to be here. I hope that we will continue for many, many years to grow our friendships between our two countries and our two jurisdictions. Let me just finish with this because I think that we, between Washington and British Columbia, have set an example for our countries. It is sub-national governments that create and grow national economies, its sub-national government that support families and strengthen them and the work that we do as state and provincial governments together sets a real example for our countries of where and how decisions can best be made. I'm delighted to be working with Governor Gregoire and Governor you bring a real outward-looking commitment to your state. You care very deeply, I know, for Washingtonians but you don't, you also are willing to look out at the best interest, for your constituents by looking across borders. I do want to just finish with this because I notice there are many women who have been elected to your senate here, and Governor Gregoire, I think this maybe be the first time that two women have led our jurisdictions at the same time. In Canada, on the Atlantic coast, in Newfoundland we now have a woman Premier. On our Northern coast we have a woman Premier as well on the Arctic Ocean and, of course, on the Pacific Coast I serve as Premier as well and I always say to my male colleagues, 'We're not taking over but we have you entirely surrounded.' Thank you very much. It's a great honor to be with you today, to have the opportunity to address you. I look forward at every opportunity to growing our chances to work together and build on this deep, deep friendship that we've developed. Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "Premiere Clark, before you leave I just wanted you to know that this morning, the Senate did show their strong support for President Obama and Prime Minister Harper's Beyond The Borders Initiative. We look, very much, forward to working with you, British Columbia setting an example for the rest of the border across the country on how this should be done. We've done great things already in a lot of different areas and I think this is a tremendous opportunity for us to do more. Thank you very much for being here. Thank you."

#### PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. Well, it's a pleasure and honor for the Senate to welcome Premiere Clark. We know we have two different governmental systems. You have the parliamentary, we have the legislative executive so I'm so please that you are recognizing, and we are recognizing, that you

are visiting the legislative branch as well as the executive branch today along with other members from British Columbia. I think visits like this are very important and I'm glad that they are, you share that value. We share so much and if you'd been here a little earlier for the discussion on the memorial we share climate, geology, natural resources, the ocean, the big Columbia river system, we're interconnected with our economies, transportation, energy, family and friends and organizations as you noted and even military defense in a very major way. So, we share a lot of history, you know if you go back to the time of fur trappers and the early settlement, Washington could have been part of British Columbia or British Columbia could have been part of Washington. So, we've been interconnected from the get go I, myself, and my husband have traveled throughout British Columbia, and I just have to say I love the logo on your automobile license, Beautiful British Columbia because that certainly is true it's not only the natural resources but the people who are always so welcoming. So, thank you for being here."

#### PERSONAL PRIVILEGE

Senator Ericksen: "Well thank you Mr. President. As representing part of Washington state that's occasionally referred to as the southern tier of the lower mainland of the northern part of Whatcom County thank you for being here today. But I thought, to make you feel a bit more home, and since we have the Governor here today perhaps we could have a session questions for both of you, while we have you, and kind of in tribute to our parliamentary system."

#### PERSONAL PRIVILEGE

Senator Kastama: "Governor Gregoire, welcome. Premiere Clark, welcome to the senate. We understand how important this is.

Earlier today we did pass Substitute Senate Joint Memorial No. 8016 which encourages the President of the United States and Congress to engage in the negotiations with Canada to ensure that we have more of a, more efficient crossing of the borders. We are very honored that this state has been chosen as kind of the test of that particularly action. I do want to say that we recognize how important this is economically to Washington State. The PNWER region which I know your very familiar with five states, five provinces has the fourteenth largest economy in the world. By collaborating we can truly become a power house in the world. This also has somewhat of a personal interest in it too. I grew up in a very small farming community called Puyallup, which is south of Seattle. At that time we were into basically berries, rhubarb and daffodils. We have three Kiwanis Clubs in that particular small town and every time, before we start one of those meeting, we say the U. S. National Anthem and we say the Canadian National Anthem. So, I grew up with a very close relationship, a very close bond with Canada and I'm glad that we can further pursue that with this. Thank you."

#### PERSONAL PRIVILEGE

Senator Honeyford: "The Premiere spoke about our relationship, close relationships between Washington and British Columbia and I just want to inform you that some of us have more relationships than others. My grandmother was a Pattullo, and you will remember the Pattullo Bridge, of course and Duff Pattullo who was Premier in the late 1930's. My father was a graduate of UBC and I was doing a little bit of research on the Peace Arch that was built for, to express the friendship between the United States and Canada and I found that the land was

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purchased in 1912, one hundred years ago, and when I was going through some of my father's things he was a school boy in Vancouver I found a little card where he had contributed funds to help build the Peace Arch. So, welcome and thank you."

PERSONAL PRIVILEGE

Senator Prentice: "Well, I would like to express my thanks for your very fine exports. One is my son-in-law. He has been married to my daughter for twenty-five years and but there's another and my son-in-law was from Surrey. There is another Surrey export and I know I'm helping your economy by buying Michael Buble CD;s for my sister and for myself. She has a full collection. I just want to thank you for these very fine exports."

SECOND READING

SENATE BILL NO. 6100, by Senators Hargrove and Roach

Updating the administration of the sexual assault grant programs.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6100 was substituted for Senate Bill No. 6100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Pflug

SUBSTITUTE SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:20 p.m. by the President Pro Tempore.

MOTION

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

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION

8667

By Senator Roach

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest growing developmental disability, affecting 1 million to 1.5 million Americans, 1 in 110 babies born; and

WHEREAS, 1 in 70 boys are affected, as opposed to 1 in 375 girls; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Families, caregivers, advocates, and organizations, such as the Autism Society of Washington, Northwest Autism Center, Families for Effective Autism Treatment, Autism Awareness of Washington, and the Arc of Washington State, are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senators Roach and Haugen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

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

MOTION

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

## MESSAGE FROM THE HOUSE

February 9, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2197,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2229,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2301,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2335,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2365,  
 ENGROSSED HOUSE BILL NO. 2509,  
 ENGROSSED HOUSE BILL NO. 2513,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2582,  
 ENGROSSED HOUSE BILL NO. 2602.  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

## MOTION

On motion of Senator Harper, Senators Brown, McAuliffe and Ranker were excused.

## MOTION

On motion of Senator Ericksen, Senators Benton and Parlette were excused.

## SECOND READING

SENATE BILL NO. 6350, by Senators Haugen, King, Eide, Fain and Tom

Repealing the transportation innovative partnerships act.

The measure was read the second time.

## MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6350.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6350 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Rolfes

Excused: Senators Baumgartner and Parlette

SENATE BILL NO. 6350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Harper, Senator Rolfes was excused.

## SECOND READING

SENATE BILL NO. 6512, by Senators Holmquist Newbry, Kastama and Morton

Regarding irrigation and rehabilitation district administration.

## MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6512 was substituted for Senate Bill No. 6512 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry, Morton and Hatfield be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 87.84.060 and 1988 c 127 s 68 are each amended to read as follows:

(1)(a) The directors of the irrigation and rehabilitation district elected before the effective date of this section shall ((be the same as of the irrigation district and)) continue to serve for the remainder of their current terms.

(b) The elections held for directors of the irrigation and rehabilitation district after the effective date of this section shall be as provided in section 2 of this act.

(2) The directors of an irrigation and rehabilitation district shall, except as provided in RCW 87.84.070, retain all power, rights, and authority heretofore granted to them or hereafter granted to them as directors of an irrigation district under any provision of this title ((87 RCW)) or any amendments thereto or any authority granted to directors of irrigation districts under any other law of the state of Washington.

(3) The irrigation and rehabilitation district shall also retain all power, rights, and authority heretofore or hereafter granted to irrigation districts under this title ((87 RCW)) or any other law or laws of the state of Washington, and use said power and authority including local improvement district provisions to further irrigation and rehabilitation district purposes and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district

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and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

(4) All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the department of ecology shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed. The authority to impose new assessments under chapter 87.03 RCW expires January 1, 2013.

NEW SECTION. Sec. 2. A new section is added to chapter 87.84 RCW to read as follows:

(1) This section applies for elections held after the effective date of this section.

(2) A person at least eighteen years old who is a citizen of the United States and a resident of this state, and who holds title or evidence of title to assessable land in the irrigation and rehabilitation district or proposed district, is entitled to vote in the district as one ownership regardless of the size of the ownership or number of parcels owned, and is recognized as a qualified elector.

(3) Each ownership shall be represented by two votes. If there are multiple owners or joint owners of a single ownership, the owners shall decide among themselves what their two votes shall be. If the ownership is held as community property, each spouse is entitled to one vote or the spouses may vote by common agreement. Each corporation, general partnership, limited partnership, limited liability corporation, or other legal entity formed pursuant to the laws of the state of Washington or qualified to do business in the state of Washington and owning land in the district shall be recognized as an elector with two votes regardless of the size of the ownership or number of parcels owned, and is recognized as a qualified elector.

(4)(a) Ballots for elections of directors, and elections conducted under RCW 87.84.070 shall be conducted by mail and sent to all qualified electors twenty or more calendar days before the date of the election. A qualified landowner may register with the irrigation and rehabilitation district up to and through the day of the election and receive a ballot.

(b) Any elections held under this chapter shall be scheduled on the second Tuesday in December in the year of the election.

(c) All ballots must indicate that the ballots must be either mailed to the county auditor and contain a postmark on or before election day, or turned in before 5:00 p.m. on election day to the county auditor and stamped by the county auditor with the date and time received. Only ballots that are received by mail within six business days after the required postmarked date and those that are received by the county auditor with the required date and time stamp shall be counted.

(5) Ballots shall be counted at the county courthouse by employees provided by the irrigation and rehabilitation district. Ballot counting shall be under the supervision of the district secretary and board of directors of the irrigation and rehabilitation district. Ballot counting may begin at 5:00 p.m. the day of the election. Beginning six business days later at 3:00 p.m., the remaining mail-in ballots received by the county auditor shall be counted.

(6)(a) In order to receive a ballot, a qualifying elector must be preregistered with the district.

(b) To register, the person, or an authorized representative of other legal entities, must show to an employee of the district at the

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district office a current driver's license or other government-issued photo identification that shows the elector's date of birth.

(c) If the district office records do not show land ownership within the district, then the person or entity owning the land must provide proof of ownership to the district.

(d) Preregistration may also be done by mail if a copy of the current driver's license or other government-issued photo identification is included and if the district office records show the person satisfies the ownership requirements of this section. If ownership is not shown in the district's records, further proof may be mailed or hand delivered to the district office.

(e) Once registered, electors shall remain on the list of qualified electors unless the list showing ownership in the district received from the county assessor shows that they no longer own property in the district or otherwise fail to meet the qualifications in this section.

(f) The district shall review the ownership list provided by the county assessor before each election and notify the previously registered electors at least sixty days before an election that their status as qualified electors will be deleted unless the landowner provides sufficient documentation to show that property ownership in the district continues.

**Sec. 3.** RCW 87.84.070 and 1973 1st ex.s. c 195 s 132 are each amended to read as follows:

(1) Beginning January 1, 2013, this section provides the sole authority for an irrigation and rehabilitation district to impose assessments. Any increase to the assessment rates in effect on January 1, 2013, must comply with subsection (2) of this section.

(2)(a) The directors shall be empowered to ~~((specially))~~ assess land located in the district for benefits thereto taking as a basis the last equalized assessment for county purposes: PROVIDED, That such assessment shall not ~~((exceed twenty five cents per thousand dollars of assessed value upon such assessed valuation))~~ go into effect without securing authorization by vote of the electors of the district at an election called for that purpose. The increase in the assessed valuation per thousand dollars must be approved by a simple majority of electors casting ballots at an election in accordance with section 2 of this act, except that the provisions of section 2(4)(b) of this act do not apply. A district board may, by majority vote, decrease the level of the assessment without securing authorization by vote of the electors of the district.

(b) If a board votes to propose an increase in the level of the assessment in accordance with (a) of this subsection, it must hold a public hearing at least forty-five days before the election, then may adopt a resolution to place the matter on the ballot.

(3) The board shall give notice of such an election, ~~((for the time and))~~ in the manner and form provided for irrigation district elections. Except as otherwise provided in this chapter, the manner of conducting and voting at such an election, opening and closing polls, canvassing the votes, certifying the returns, and declaring the result shall be nearly as practicable the same as in irrigation district elections.

(4) The ~~((special))~~ assessment provided for ~~((herein))~~ in this section shall be due and payable at such times and in such amounts as designated by the district directors, which designation shall be made to the county auditor in writing, and the amount so designated shall be added to the general taxes, and entered upon the assessment rolls in his office, and collected therewith.

**Sec. 4.** RCW 87.84.071 and 1965 ex.s. c 6 s 5 are each amended to read as follows:

The ~~((special))~~ assessments provided for in RCW 87.84.070 shall be subject to and inferior to existing local improvement district assessments of any city or town which is included within the boundaries of an irrigation and rehabilitation district. The collection of local improvement district assessments of a city or town, and the right to foreclose the same when delinquent, shall not

be impaired in any manner whatsoever by subsequent ((special)) assessments of an irrigation and rehabilitation district. In the event that the county treasurer forecloses on land located within the corporate limits of a city or town for nonpayment of irrigation and rehabilitation district assessments, the certificates of sale and the deeds issued pursuant to the foreclosure proceedings shall contain a recital that the certificate of sale and/or deed is subject to outstanding local improvement district assessments of the city or town."

Senator Holmquist Newbry spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist Newbry, Morton and Hatfield to Substitute Senate Bill No. 6512.

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

#### MOTION

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

On page 1, line 2 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 87.84.060, 87.84.070, and 87.84.071; and adding a new section to chapter 87.84 RCW."

#### MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute Senate Bill No. 6512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6512.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6512 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Fraser

Excused: Senators Baumgartner and Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 6512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5966, by Senators Fraser and Swecker

Establishing the office of the health care authority ombudsman.

#### MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5966 was substituted for Senate Bill No. 5966 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5966 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5966.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5966 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Parlette

SUBSTITUTE SENATE BILL NO. 5966, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:56 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### EVENING SESSION

The Senate was called to order at 5:07 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6162, by Senators Regala, Kastama, Shin and Frockt

Concerning missing endangered persons.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Padden be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.60.010 and 2009 c 20 s 1 are each amended to read as follows:

(1) The Washington state patrol shall establish a missing children and endangered person clearinghouse which shall include the

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maintenance and operation of a toll-free, twenty-four-hour telephone hotline. The clearinghouse shall distribute information to local law enforcement agencies, school districts, the department of social and health services, and the general public regarding missing children and endangered persons. The information shall include pictures, bulletins, training sessions, reports, and biographical materials that will assist in local law enforcement efforts to locate missing children and endangered persons. The state patrol shall also maintain a regularly updated computerized link with national and other statewide missing person systems or clearinghouses, and within existing resources, shall develop and implement a plan, commonly known as an "~~(amber alert)~~ endangered missing person advisory plan," for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, ~~((and))~~ cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovering abducted children and missing endangered persons consistent with the state endangered missing person advisory plan.

(2) For the purposes of this chapter:

(a) "Child" or "children((s))" ((as used in this chapter,)) means an individual under eighteen years of age.

(b) "Missing endangered person" means a person believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance.

**Sec. 2.** RCW 13.60.020 and 1985 c 443 s 23 are each amended to read as follows:

Local law enforcement agencies shall file an official missing person report and enter biographical information into the state missing person computerized network within ~~((twelve))~~ six hours after notification of a missing child or endangered person is received under RCW 13.32A.050 (1)~~(a)~~, ~~((3))~~ (c), or ~~((4))~~ (d), or an endangered missing person received pursuant to the state endangered missing person advisory plan. The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child or endangered person: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala and Padden to Senate Bill No. 6162.

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

MOTION

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

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 13.60.010 and 13.60.020."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6162.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6162 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Hargrove and Roach

Excused: Senator Baumgartner

ENGROSSED SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 5697, by Senators Hargrove and Schoesler

Addressing the minimum standards for firearms safety devices and gun safes used by certain governmental agencies that purchase, receive, possess, use, or issue firearms and government agents who receive, possess, or use a firearm issued to the agent by the agency. Revised for 1st Substitute: Requiring firearms safety devices and gun safes to meet minimum standards if purchased, used, or issued by governmental agencies and limiting the civil liability of governmental agencies and agents who provide or properly use approved firearms safety devices or gun safes.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5697 was substituted for Senate Bill No. 5697 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) If a governmental agency chooses to purchase, use, or issue a firearms safety device or gun safe, that device or safe must meet the minimum standards for gun safes and firearms safety devices as provided in subsection (2) of this section on the date of purchase.

(b) Nothing in this section shall require any governmental agency to purchase, possess, use, or issue firearms safety devices or gun safes.

(2) The devices identified by the California department of justice pursuant to title 2, sections 12087-12088.9 of the California

penal code, effective July 1, 2012 meet the minimum standards for gun safes and firearms safety devices.

(3) For purposes of this section:

(a) "Firearm" means a firearm as defined in RCW 9.41.010.

(b) "Firearms safety device" means a device other than a gun safe that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm.

(c) "Governmental agency" means any department or agency of state, county, or local government.

(d) "Gun safe" means a locking container that fully contains and secures one or more firearms.

(4) A governmental agency or government agent shall not be liable for civil damages resulting directly or indirectly from the purchase, possession, or proper use of a firearms safety device or gun safe identified as appropriate for that firearm identified under subsection (2) of this section or for the purchase, possession, or proper use of a firearms safety device or gun safe identified as appropriate for that firearm that was purchased prior to July 1, 2012.

(5) A governmental agency that has purchased or issued a firearms safety device or gun safe prior to July 1, 2012, must replace any firearms safety device or gun safe or remove any requirement that a government agent use any firearms safety device or gun safe, if it is not included on the roster identified under subsection (2) of this section.

**NEW SECTION. Sec. 2.** Section 1 of this act constitutes a new chapter in Title 42 RCW."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Substitute Senate Bill No. 5697.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5697.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senators Baumgartner and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6263, by Senators Ranker, Hargrove, Delvin, Litzow, Swecker, Rolfes, Schoesler, Kilmer, Fraser, Kohl-Welles, Hobbs and Hatfield

Facilitating marine management planning.

#### MOTIONS

On motion of Senator Ranker, Second Substitute Senate Bill No. 6263 was substituted for Senate Bill No. 6263 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Second Substitute Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Harper, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6263.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6263 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Hargrove and Roach

SECOND SUBSTITUTE SENATE BILL NO. 6263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6172, by Senators Benton, Hobbs, Prentice, Keiser, Fain and Chase

Revising franchise investment protection provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

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SECOND READING

The President declared the question before the Senate to be the final passage of Senate Bill No. 6172.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Hargrove and Roach

SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6421, by Senators King, Kline and Holmquist Newbry

Addressing the statement of intent to pay prevailing wages on public works. Revised for 1st Substitute: Addressing the affidavit of wages paid on public works.

## MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6421 was substituted for Senate Bill No. 6421 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6421.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6421 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

SUBSTITUTE SENATE BILL NO. 6421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6147, by Senators Prentice, Pridemore, Swecker, Hargrove, Chase, Nelson and Kline

Creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country. Revised for 1st Substitute: State jurisdiction over Indian tribes and Indian country.

## MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6147 was substituted for Senate Bill No. 6147 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 2, line 34, after "tribe in" strike "1968" and insert "1969"

On page 2, line 35, after "tribe in" strike "1971" and insert "1972"

Senator Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 2, line 34 to Substitute Senate Bill No. 6147.

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

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Swecker and Pridemore spoke in favor of passage of the bill.

## MOTION

On motion of Senator Delvin, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6147.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Hewitt, Holmquist Newbry, Honeyford, King, Padden, Schoesler, Stevens and Zarelli

Excused: Senators Baumgartner, Ericksen and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 6147, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Yakama Tribal Councilman and Chair of the Law & Order Committee, Mr. Virgil Lewis Sr. "Saluskin; who was seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6120, by Senators Nelson, Swecker, Harper, Hargrove, Kohl-Welles, Fraser, Kastama, Pridemore, Rolfes, Frockt, Ranker, Regala, Shin, Tom, Kline, Chase, Keiser and Conway

Concerning children's safe products.

#### MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6120 was substituted for Senate Bill No. 6120 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 6120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6120.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Holmquist Newbry, Honeyford, Morton, Padden and Schoesler

Excused: Senators Baumgartner and Roach

SECOND SUBSTITUTE SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6315, by Senators Frockt, Kohl-Welles, Kline, Chase, Keiser, Regala and Nelson

Concerning the fair tenant screening act.

#### MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6315 was substituted for Senate Bill No. 6315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6315 was advanced to third reading,

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

Senator Frockt spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Delvin, Senator Ericksen was excused.

#### MOTION

On motion of Senator Nelson, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6315.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Ericksen and Roach

SUBSTITUTE SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President. In my efforts to be brief I neglected to thank the Chairman of the Financial Institutions Committee and Senator Kohl-Welles for their assistance and help on the previous bill. I just wanted to acknowledge them. Thank you Mr. President."

#### SECOND READING

SENATE BILL NO. 6027, by Senator Honeyford

Concerning publicly owned industrial wastewater treatment facilities.

#### MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6027 was substituted for Senate Bill No. 6027 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6027.

#### ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Ericksen and Roach  
 SUBSTITUTE SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Nelson: "Would Senator Holmquist Newbry yield to a question? Senator Holmquist Newbry, I'm wondering when the moon is full and the skies are clear if you would take a challenge to play Quidditch."

Senator Holmquist Newbry: "I would very much take you up on that challenge as long as Jim Honeyford is on my team."

Senator Nelson: "Then, Senator, I want you to know I am going to ask Senator Hargrove to be on my team."

Senator Holmquist Newbry: "That sounds fair."

REMARKS BY THE PRESIDENT

President Owen: "Is the broom able to lift Senator Hargrove?"

Senator Nelson: "Mr. President, we are not certain but this will be a very good test of the broom."

PERSONAL PRIVILEGE

Senator Honeyford: "Yesterday, or the day before, there was a picture taken up at the rostrum and I happen to be standing in between these two ladies and they were holding this broom and I thought it just confirmed what everybody expected."

PARLIAMENTARY INQUIRY

Senator Fraser: "Is there a full moon tonight?"

REPLY BY THE PRESIDENT

President Owen: "You asking me? I don't know!"

SECOND READING

SENATE BILL NO. 5995, by Senators Delvin and Hewitt

Authorizing urban growth area boundary modifications for industrial land. Revised for 1st Substitute: Authorizing urban growth area boundary modifications for industrial land by certain counties.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5995.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Ericksen and Roach  
 SUBSTITUTE SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5556, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Prentice, Fain and Keiser)

Concerning certain social card games in an area annexed by a city or town.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.46.295 and 2011 c 134 s 1 are each amended to read as follows:

(1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof (~~shall be~~) is legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

(2)(a) A city or town with a prohibition on house-banked social card game licenses that annexes an area that is within a city, town, or county that permits house-banked social card games may allow a house-banked social card game business that was licensed by the commission as of July 26, 2009, to continue operating if the city or town is authorized to impose a tax under RCW 82.14.415 and can

demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW 82.14.415(7).

(b) A city or town that allowed a house-banked social card game business in an annexed area to continue operating under (a) of this subsection before July 15, 2010, ~~((shall))~~ must allow all social card game businesses in the annexed area that were operating and licensed by the commission as of January 1, 2011, to continue operating.

(c) A city or town that allows a social card game business in an annexed area to continue operating is not required to allow additional social card game businesses.

(d) A city or town with a prohibition on house-banked social card game businesses that annexes an area that is within a city, town, or county, where the annexed city, town, or county: (i) Permits house-banked social card games; and (ii) is not eligible for the tax under RCW 82.14.415, the annexing city or town may allow a house-banked social card game business that was licensed by the commission prior to January 1, 2013, to continue operating if the annexing city or town annexes all of the established urban growth area within a county for the city or town."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Prentice to Substitute Senate Bill No. 5556.

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

#### MOTION

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

On page 1, line 3 of the title, after "9.46.295;" strike the remainder of the title and insert "and amending RCW 9.46.295."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5556.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Haugen

Excused: Senators Baumgartner, Ericksen and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6232, by Senators Kilmer, Shin, McAuliffe and Eide

Creating the office of the student achievement council.  
Revised for 2nd Substitute: Regarding higher education coordination.

#### MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Becker moved that the following amendment by Senators Becker and Hill be adopted:

On page 6, beginning on line 31, after "governor" strike "with the consent of the senate" and insert "as provided in subsection (3) of this section"

On page 7, line 8, after "(3)" insert "(a) Each of the two largest caucuses in the house of representatives and in the senate are responsible for one of the four citizens' seats on the council. Each caucus shall submit to the governor a single list of its nominees. The minimum number of nominees from each caucus shall be equal to twice the number of open seats for which the caucus is responsible. Nominees may not be legislators or employees of the state or its political subdivisions, and the caucuses may not submit the same nominee at the same time.

(b) The governor shall appoint citizen members to each seat on the council for which a caucus is responsible from the list submitted by the respective caucus.

(c) None of the four citizen members may be appointed if his or her participation in the decisions of the council could benefit his or her own financial interests or the financial interests of an entity he or she represents. A councilmember who develops such a conflict of interest must resign or be removed from the council.

(d) By June 1, 2012, the caucus must submit its list of nominees to the governor, and by July 1, 2012, the governor must appoint citizen members to the council. If any caucus does not submit its list of nominees to the governor by June 1, 2012, the governor may choose his or her own nominees for those seats.

(4)"

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

Senator Becker spoke in favor of adoption of the amendment.

Senator Kilmer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Hill on page 6, line 31 to Second Substitute Senate Bill No. 6232.

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

#### MOTION

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

On page 7, after line 12, insert the following:

"(4) The representative appointed under subsection (2)(d) of this section must excuse himself or herself from voting on matters relating primarily to public institutions of higher education."

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

On page 8, line 13, after "director" strike "with the approval of the governor"

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 7, after line 12 to Second Substitute Senate Bill No. 6232.

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

MOTION

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

On page 7, line 13, after "(4)" insert "The superintendent of public instruction, or superintendent's designee, appointed under subsection (2)(e) of this section must excuse himself or herself from voting on matters relating primarily to public institutions of higher education.

(5)"

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

Senators Hill, Kilmer and Tom spoke in favor of adoption of the amendment.

Senator Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hill and others on page 7, line 13 to Second Substitute Senate Bill No. 6232.

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

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6232, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6423, by Senators King and Holmquist Newbry

Concerning the definition of farm vehicle.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6423 was substituted for Senate Bill No. 6423 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6423.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

SUBSTITUTE SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6023, by Senators Swecker, Prentice, Benton, Pridemore, Schoesler, Haugen, Kilmer, Chase, Hill, Holmquist Newbry, Becker, Ranker, Ericksen, Shin and Frockt

Creating the permit efficiency and accountability committee to select priority economic recovery projects for review by multiagency permitting teams.

MOTION

On motion of Senator Swecker, Second Substitute Senate Bill No. 6023 was substituted for Senate Bill No. 6023 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 18, line 1, strike section 14 and insert:

**"NEW SECTION. Sec. 14.** Any action taken by an agency to implement the provisions of this act must be accomplished within existing resources."

Senator Swecker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 18, line 1 to Second Substitute Senate Bill No. 6023.

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

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6023.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner and Roach

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

#### PERSONAL PRIVILEGE

Senator Fain: "There was a little bit of confusion about the traffic situation on Northbound 5 tonight. I just thought I'd announce that after getting off the phone with our illustrious Transportation Secretary. Tonight, the left bound lane of north bound of Federal Way will close at 8 p.m. The second of three lanes of north bound I-5 will close at 9 p.m. The third lane will remain open. Both of those north bound lanes will reopen at 6 a.m. And, for those of us who are coming back down, tomorrow the south bound lanes are closing but they will be reopening by 7 a.m. tomorrow morning. So, again, one lane of north bound closing at 8 tonight. One lane closing at 9. One lane remaining open and the south bound lanes will be open at 7 a. m. tomorrow."

#### SECOND READING

SENATE BILL NO. 6030, by Senators Shin, Kline, Delvin and Regala

Addressing license suspension clerical errors.

The measure was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6030.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6030 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Baumgartner and Roach

SENATE BILL NO. 6030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senators Kline and Shin were excused.

#### SECOND READING

SENATE BILL NO. 6260, by Senators Delvin, Kohl-Welles, Regala, Roach, Conway, Carrell, Shin, Eide, Ericksen, Litzow, Chase and Stevens

Revising registration requirements and fees charged for various criminal offenses.

#### MOTION

On motion of Senator Delvin, Substitute Senate Bill No. 6260 was substituted for Senate Bill No. 6260 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

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(i) Such person:

(A) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(i) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835;

(C) Involve the illegal harvesting or sale of human organs; or

(D) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, or receives by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(3)(a) A person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime shall be assessed a three thousand dollar fee.

(b) The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee.

(c) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

**Sec. 2.** RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read as follows:

For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.

(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW 43.43.830(5)

and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.

(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.

(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.

(8) "Kidnapping offense" means:

(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent;

(b) Any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; and

(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.

(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.

(10) "Sex offense" means:

(a) Any offense defined as a sex offense by RCW 9.94A.030;

(b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(c) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(d) A second or subsequent violation under RCW 9A.88.070 (promoting prostitution in the first degree) or RCW 9A.88.080 (promoting prostitution in the second degree);

(e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to

commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection;

~~((e))~~ (f) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;

~~((f))~~ (g) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);

~~((g))~~ (h) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;

~~((h))~~ (i) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912.

(11) "School" means a public or private school regulated under Title 28A RCW or chapter 72.40 RCW.

(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

**Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010(~~(c)~~) and 9A.88.030(~~(c) and 9A.88.090~~), a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, (~~9A.88.090~~) or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.090 or comparable county or municipal ordinances shall be assessed a fee in the amount of:

(i) One thousand five hundred dollars for the first offense;

(ii) Two thousand five hundred dollars for the second offense; and

(iii) Five thousand dollars for the third and each subsequent offense.

(c) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a (~~one hundred fifty dollar~~) fee in the amount of:

(i) One thousand five hundred dollars for the first offense;

(ii) Two thousand five hundred dollars for the second offense; and

(iii) Five thousand dollars for the third and each subsequent offense.

~~((e))~~ (d) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a (~~three hundred dollar~~) fee in the amount of:

(i) Three thousand dollars for the first offense;

(ii) Six thousand dollars for the second offense; and

(iii) Ten thousand dollars for the third and each subsequent offense.

(2) ~~((The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.~~

~~—(3))~~ When a minor has been adjudicated a juvenile offender or

has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. ~~((The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.~~

~~—(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.)~~

(3) The court shall not reduce, waive, or suspend payment of all or part of the assessed fee in this section unless it finds, on the record, that the offender does not have the ability to pay the fee.

(4) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, 9.68A.101, and 9.68A.102, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance shall be assessed a five thousand dollar fee.

(b) The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not reduce, waive, or suspend payment of all or part of the fee assessed unless it finds, on the record, that the minor does not have the ability to pay the fee.

(2) ~~((The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of~~

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~~fundings prostitution prevention and intervention activities.) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.~~

(a) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

**Sec. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent

to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

**Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by

the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

**Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit in the state general fund and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

**Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full,

accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts."

Senator Hargrove spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the striking amendment be adopted:

On page 2, line 9 of the amendment, after "fee" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

On page 6, line 29 of the amendment, after "fee" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

On page 7, line 30 of the amendment, after "pay" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

On page 8, line 2 of the amendment, after "fee" insert "in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee"

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 2, line 9 to the striking amendment to Substitute Senate Bill No. 6260.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Delvin as amended to Substitute Senate Bill No. 6260.

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

MOTION

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

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties."

MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Substitute Senate Bill No. 6260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6260.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6260 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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Voting yea: Senators Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Baumgartner, Roach and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:26 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Saturday, February 11, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



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1775-S	Introduction & 1 <sup>st</sup> Reading .....	2
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2229-S	Messages .....	8
2234-S	Messages .....	1
2244	Messages .....	1
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2259-S	Introduction & 1 <sup>st</sup> Reading .....	2
2261-S	Messages .....	1
2270-S	Introduction & 1 <sup>st</sup> Reading .....	2
2274	Introduction & 1 <sup>st</sup> Reading .....	2
2275	Messages .....	1
2285	Introduction & 1 <sup>st</sup> Reading .....	2
2287	Messages .....	1
2292	Messages .....	1
2299-S	Introduction & 1 <sup>st</sup> Reading .....	2
2301-S	Messages .....	8
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2339	Messages.....	1
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2347-S	Messages.....	1
2354-S	Messages.....	1
2355-S	Messages.....	1
2356	Messages.....	1
2363-S	Messages.....	1
2365-S2	Messages.....	8
2368	Messages.....	1
2393	Messages.....	1
2396	Messages.....	1
2422-S	Messages.....	1
2439-S	Messages.....	1
2449	Messages.....	1
2459	Messages.....	1
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2492-S	Messages.....	1
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2513	Messages.....	8
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2535	Messages.....	1
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