

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 4, 2011

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hill.

The Sergeant at Arms Color Guard consisting of Pages Kelsey Webster and Olivia Kovacs, presented the Colors. Father Felino Paulino of St. Edward Parish of Seattle 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

March 3, 2011

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1037,
- SUBSTITUTE HOUSE BILL NO. 1084,
- HOUSE BILL NO. 1150,
- HOUSE BILL NO. 1290,
- SUBSTITUTE HOUSE BILL NO. 1339,
- HOUSE BILL NO. 1498,
- HOUSE BILL NO. 1794,
- SUBSTITUTE HOUSE BILL NO. 1815,
- HOUSE BILL NO. 1937,
- HOUSE BILL NO. 1939.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2011

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1048,
- SUBSTITUTE HOUSE BILL NO. 1057,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1144,
- ENGROSSED HOUSE BILL NO. 1171,
- SUBSTITUTE HOUSE BILL NO. 1172,
- HOUSE BILL NO. 1178,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1202,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1206,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1265,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1309,
- SUBSTITUTE HOUSE BILL NO. 1516,
- ENGROSSED HOUSE BILL NO. 1674,
- SUBSTITUTE HOUSE BILL NO. 1783,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864.
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

SHB 1081 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Frockt and Moeller)

AN ACT Relating to small facility siting; amending RCW 80.50.040, 80.50.060, 80.50.071, and 80.50.100; reenacting and amending RCW 80.50.090; adding new sections to chapter 80.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SHB 1089 by House Committee on Higher Education (originally sponsored by Representative McCoy)

AN ACT Relating to instructional materials provided in a specialized format version; amending RCW 28B.10.916; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1128 by House Committee on Ways & Means (originally sponsored by Representatives Roberts, Carlyle, Kagi, Walsh, Orwall, Goodman, Reykdal, Kenney, Maxwell, Appleton, Hunt and Pettigrew)

AN ACT Relating to extended foster care services; amending RCW 13.04.011 and 74.13.020; reenacting and amending RCW 13.34.030, 74.13.031, and 13.34.145; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1133 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Goodman, Warnick, Rodne, Ladenburg and Maxwell)

AN ACT Relating to the display of massage practitioner licenses; amending RCW 18.108.040; and adding a new section to chapter 18.108 RCW.

Referred to Committee on Health & Long-Term Care.

2SHB 1163 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Liias, Johnson, Maxwell, Santos, Sullivan, Walsh, Orwall, Moeller, Van De Wege, Pedersen, McCoy, Ladenburg, Goodman, Hunt, Jinkins, Reykdal, Ormsby, Sells, Frockt, Upthegrove, Kagi, Blake, Fitzgibbon, Kenney, Stanford,

Ryu, Miloscia, Carlyle, Pettigrew, Moscoso, Probst, Seaquist, Finn, Roberts, Appleton, Billig, Hasegawa, Clibborn, Hurst, Hudgins, Jacks, Dunshee, Green, Tharinger, Darneille and Rolfes)

AN ACT Relating to harassment, intimidation, and bullying prevention; amending RCW 28A.230.095; adding a new section to chapter 28A.300 RCW; creating new sections; and providing an effective date.

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

2SHB 1362 by House Committee on Ways & Means (originally sponsored by Representatives Orwall, Hope, Rolfes, Moeller, Lias, Probst, Green, Darneille, Frockt, Kirby, Miloscia, Roberts, Hunt, Dickerson, Upthegrove, Fitzgibbon, Kagi, Eddy, Hasegawa, Pettigrew, Ormsby, Sells, Kenney, Cody, Hudgins, Lytton, Moscoso, Ryu, Appleton, Reykdal, Van De Wege, Carlyle, Dunshee, Santos, McCoy, Tharinger, Haigh, Goodman, Jinkins, Jacks, Takko, Sullivan, Blake, Seaquist, Billig, Stanford, Ladenburg, Finn and Pedersen)

AN ACT Relating to protecting and assisting homeowners from unnecessary foreclosures; amending RCW 61.24.030, 61.24.031, 61.24.135, and 82.45.030; reenacting and amending RCW 61.24.005; adding new sections to chapter 61.24 RCW; creating new sections; repealing 2009 c 292 s 13 (uncodified); and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1364 by Representatives Pettigrew, Walsh, Eddy, Springer, Appleton, Goodman, Roberts, Kagi, Kenney and Santos

AN ACT Relating to child care center subsidies; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

HB 1391 by Representatives Warnick, Haler, Fagan, Schmick, Chandler, McCune, Armstrong, Condotta, Johnson, Hinkle and Parker

AN ACT Relating to water delivered from the federal Columbia basin project; and amending RCW 90.44.510.

Referred to Committee on Environment, Water & Energy.

SHB 1401 by House Committee on Local Government (originally sponsored by Representative Upthegrove)

AN ACT Relating to the foreclosure process for delinquent local improvement district assessments; amending RCW 35.49.030 and 35.50.030; and creating a new section.

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

2SHB 1405 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Kirby, Kelley, Ladenburg, Darneille, Ryu, Stanford and Jinkins)

AN ACT Relating to loans made under the consumer loan act; amending RCW 31.04.027; and reenacting and amending RCW 31.04.025.

Referred to Committee on Financial Institutions, Housing & Insurance.

E2SHB 1443 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Maxwell, Dammeier, Sullivan, Pedersen, Springer, Kagi, Anderson, Pettigrew, Finn, Morris, Ladenburg, Frockt, Jinkins, Upthegrove, Clibborn, Orwall, Haigh, Jacks, Lias, Billig, Kelley and Probst)

AN ACT Relating to continuing education reforms, including implementing recommendations of the quality education council; amending RCW 28A.150.260, 28A.150.220, 28A.657.050, 28A.165.015, 28A.165.015, 28A.165.025, 28A.320.190, 28A.180.090, 28A.185.020, 28A.185.030, 28C.18.162, 28A.660.042, 28A.660.050, 28A.660.040, and 28A.400.201; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.185 RCW; creating new sections; providing an effective date; and providing an expiration date.

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

EHB 1490 by Representatives Kenney, Orcutt and Santos

AN ACT Relating to a business and occupation tax deduction for certified community development financial institutions; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1491 by Representatives Goodman, Walsh, Roberts and Kagi

AN ACT Relating to the membership of the early learning advisory council; reenacting and amending RCW 43.215.090; and creating a new section.

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

SHB 1502 by House Committee on Community Development & Housing (originally sponsored by Representatives Ormsby, Kenney, Smith, Moeller, Sells, Condotta, Ryu, Billig and Roberts)

AN ACT Relating to clarifying the manufactured housing and mobile home program functions and account; amending RCW 59.22.010, 59.22.050, 43.22A.100, 46.17.150, 59.20.300, 59.22.020, and 59.21.050; reenacting and amending RCW 43.15.020; creating a new section; and repealing RCW 59.22.070 and 59.22.090.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 1510 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Maxwell and Kelley)

AN ACT Relating to the assessment of students in state-funded full-day kindergarten classrooms; amending

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

RCW 28A.150.315; adding a new section to chapter 28A.655 RCW; creating a new section; and providing an effective date.

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

2SHB 1519 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Hope, Dunshee, Anderson, Haler, Pettigrew, Fagan, Sells, Johnson, Orwall, Haigh, Kenney, Kelley and Ormsby)

AN ACT Relating to school assessments for students with cognitive disabilities; adding a new section to chapter 28A.655 RCW; and creating a new section.

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

SHB 1522 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Haler, Maxwell, Probst, Haigh, Hasegawa, Frockt, Santos, Reykdal, Goodman, Ormsby and Moscoso)

AN ACT Relating to academic credit for prior learning; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1547 by House Committee on Ways & Means (originally sponsored by Representatives Darneille, Hunter, Dickerson, Cody, Hunt, Kagi, Sullivan and Kenney)

AN ACT Relating to the deportation of criminal alien offenders; amending RCW 9.94A.685; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

HB 1586 by Representatives Seaquist, Haler, Jacks, Dammeier, Moscoso, Carlyle, Zeiger, Moeller, Probst, Kenney, Stanford, Kelley, Dahlquist and Jinkins

AN ACT Relating to the provision of doctorate programs at the research university branch campuses in Washington; and amending RCW 28B.45.014.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1593 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Carlyle, Maxwell, Lytton, Probst, Ladenburg, Anderson, Pedersen, Billig, Dammeier, Wilcox, Dahlquist and Fagan)

AN ACT Relating to recruiting, preparing, and empowering school officials and holding them accountable; amending RCW 28A.400.100; adding new sections to chapter 28A.410 RCW; and creating new sections.

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

E2SHB 1599 by House Committee on Ways & Means (originally sponsored by Representatives Probst, Haler, Maxwell,

Orwall, Haigh, Santos, Dammeier, Seaquist, Liias, Reykdal, Kagi, Roberts, Kenney and Ormsby)

AN ACT Relating to establishing the pay for actual student success dropout prevention program; amending RCW 28A.175.035; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

HB 1631 by Representatives Reykdal, Hope, Sells, Haigh, Seaquist, Rolfes, Santos, Appleton and Kenney

AN ACT Relating to salary increments for academic employees at community and technical colleges; amending RCW 28B.50.140 and 28B.52.035; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1650 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Hasegawa, Kenney, Santos, McCoy, Moscoso, Sells, Carlyle, Reykdal, Seaquist, Jacks, Probst, Maxwell and Ormsby)

AN ACT Relating to state need grant eligibility; and amending RCW 28B.92.080.

Referred to Committee on Ways & Means.

SHB 1699 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Smith and Maxwell)

AN ACT Relating to housing trust fund administrative costs; amending RCW 43.185.020, 43.185.050, 43.185A.010, and 43.185A.050; and reenacting and amending RCW 43.185.070 and 43.185A.030.

Referred to Committee on Ways & Means.

EHB 1703 by Representatives Dammeier, Haigh, Anderson, Probst, Parker, Alexander, Zeiger and Smith

AN ACT Relating to fiscal notes for legislation that uniquely affects school districts; amending RCW 43.88A.020 and 43.132.020; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Ways & Means.

ESHB 1731 by House Committee on Local Government (originally sponsored by Representatives Takko, Kagi and Reykdal)

AN ACT Relating to the formation, operation, and governance of regional fire protection service authorities; and amending RCW 52.26.020, 52.26.040, 52.26.080, and 84.52.044.

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

SHB 1756 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Walsh, Haler, Green, Kagi, Jinkins, Darneille, Orwall, Upthegrove and Kenney)

AN ACT Relating to authorizing implementation of a nonexpiring license for early learning providers; and amending RCW 43.215.260 and 43.215.270.

Referred to Committee on Human Services & Corrections.

SHB 1761 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Ormsby)

AN ACT Relating to limiting private activity bond issues by out-of-state issuers; amending RCW 39.46.020 and 39.86.140; and adding a new section to chapter 39.46 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1774 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman, Pettigrew, Orwall, Kenney, Roberts, Kagi and Moscoso)

AN ACT Relating to recognizing adopted siblings and adoptive parents as relatives; and amending RCW 13.34.130.

Referred to Committee on Human Services & Corrections.

E2SHB 1776 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Frockt, Eddy, Dickerson, Carlyle, Maxwell, Fitzgibbon, Roberts, Pedersen, Hudgins, Ryu, Kenney and Stanford)

AN ACT Relating to licensing requirements for child care centers located in publicly owned buildings; amending RCW 43.215.200; and creating a new section.

Referred to Committee on Human Services & Corrections.

E2SHB 1808 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Lytton, Dammeier, Maxwell, Dahlquist, Sullivan, Reykdal, Lias, Finn, Sells, Orwall, Rolfes and Kenney)

AN ACT Relating to the opportunity to earn postsecondary credit during high school; amending RCW 28A.230.130; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.76 RCW; and creating new sections.

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

SHB 1829 by House Committee on Education (originally sponsored by Representatives Billig, Santos, Haigh, Probst, Sells, Kenney, Reykdal, Maxwell, Stanford, Morris, Hasegawa, Ryu, McCoy, Hunt, Moscoso, Hope, Appleton and Ormsby)

AN ACT Relating to creating an Indian education division in the office of the superintendent of public instruction; adding new sections to chapter 28A.300 RCW; and creating a new section.

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

SHB 1832 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Upthegrove, Moscoso, Fitzgibbon, Stanford, Pettigrew, Sells, Goodman, Roberts, Green, Frockt, Kenney and Ormsby)

AN ACT Relating to protecting the rights of employees of service contractors at certain airports; amending RCW 14.08.015; adding a new section to chapter 14.08 RCW; repealing RCW 14.08.010; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 1849 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Haigh, Santos, Dammeier, Seaquist, Finn, Maxwell, Sullivan, Probst, Hunt, Anderson, Frockt, Kenney and Kagi)

AN ACT Relating to establishing the Washington state education council; creating new sections; and providing an expiration date.

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

2SHB 1903 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Orwall, Goodman, Roberts, Reykdal, Kagi, Kenney and Kelley)

AN ACT Relating to background checks for child care licensees and employees; amending RCW 43.215.215; reenacting and amending RCW 43.215.010; and adding new sections to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

2SHB 1909 by House Committee on Ways & Means (originally sponsored by Representatives Reykdal, Haler, Seaquist, Carlyle, Hasegawa and Kenney)

AN ACT Relating to creating a funding mechanism to promote innovation at community and technical colleges; amending RCW 28B.15.031 and 28B.15.100; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1923 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Reykdal, Hunt, Pedersen, Roberts and Hunter)

AN ACT Relating to requiring the denial of a concealed pistol license application when the applicant is ineligible to possess a firearm under federal law; and reenacting and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 2003 by Representatives Pettigrew, Hunter, Ryu and Kenney

AN ACT Relating to premium payments for children's health coverage for children in families with income greater than

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

two hundred percent of the federal poverty level who are not eligible for the federal children's health insurance program; amending RCW 74.09.470; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1756 which was referred to the Committee on Human Services & Corrections.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9083, Robert Ozuna, as a member of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senators Prentice and King spoke in favor of passage of the motion.

MOTION

On motion of Senator Delvin, Senator Hill was excused.

APPOINTMENT OF ROBERT OZUNA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9083, Robert Ozuna as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9083, Robert Ozuna as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

Gubernatorial Appointment No. 9083, Robert Ozuna, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Murray moved that Gubernatorial Appointment No. 9012, Marty Brown, as Director of the Office of Financial Management, be confirmed.

Senator Murray spoke in favor of the motion.

APPOINTMENT OF MARTY BROWN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9012, Marty Brown as Director of the Office of Financial Management.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9012, Marty Brown as Director of the Office of Financial Management and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

Gubernatorial Appointment No. 9012, Marty Brown, having received the constitutional majority was declared confirmed as Director of the Office of Financial Management.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 4, 2011."

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

The motion by Senator Eide carried and debate was limited through March 4, 2011 by voice vote.

SECOND READING

SENATE BILL NO. 5423, by Senators Regala, Hargrove, Chase and Kline

Encouraging the reduction of recidivism by modifying legal financial obligation provisions. Revised for 1st Substitute: Modifying legal financial obligation provisions.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5423 was substituted for Senate Bill No. 5423 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5423.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

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

Voting nay: Senator Honeyford

Absent: Senator Brown

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5423, 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. 5452, by Senators Hargrove, Stevens and Haugen

Regarding communication, collaboration, and expedited medicaid attainment concerning persons with mental health or chemical dependency disorders who are confined in a state institution.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 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. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5452, 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. 5300, by Senators Hargrove and Ranker

Enhancing the use of Washington natural resources in public buildings.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5300 was substituted for Senate Bill No. 5300 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. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Morton 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. 5300.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker and Ericksen

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5300, 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. 5691, by Senator Hargrove

Streamlining the crime victims' compensation program.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 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. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5691.

ROLL CALL

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Ericksen and Holmquist Newbry

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5691, 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. 5188, by Senators Becker, Haugen, Swecker, Stevens, King, Fain, Delvin, Holmquist Newbry, Honeyford and Hewitt

Harmonizing certain traffic control signal provisions relative to yellow change intervals and certain fine amount limitations. Revised for 1st Substitute: Harmonizing certain traffic control signal provisions relative to yellow change intervals, certain fine amount limitations, and certain signage and reporting requirements.

POINT OF ORDER

Senator Stevens: "Thank you Mr. President, I believe that the committee amendment offered is beyond the scope and object of the underlying bill. The underlying bill is a restricted bill. It limits the use of red light cameras. The bill only does two things: it restricts the use of red light cameras by limiting the fine probable for the violation detected through the use of red light cameras; and, number two, it prohibits the reduction of time it takes for the light to turn from yellow to red. By contrast the committee amendment expands the use of the red light camera by expanding the location and the ability to use the red light camera to include intersections with more than two arterials. For these reasons I believe the amendment offered is outside the scope of the object of the underlying bill and I respectfully request a ruling thereon."

Senator Haugen spoke on the point of order.

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 5188 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE JOINT RESOLUTION NO. 8206, by Senators Zarelli, Brown, Pridemore, Tom, Kilmer, White and Parlette

Requiring extraordinary revenue growth to be transferred to the budget stabilization account.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Joint Resolution No. 8206 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Zarelli spoke in favor of passage of the resolution.

POINT OF INQUIRY

Senator Hargrove: "Would Senator Zarelli yield to a question? Thank you Senator. In general this sounds like a great idea but I'm a little concerned when we have a biennium or two that goes negative like we're doing right now, so could you give me a little bit of a snap shot if we have a couple biennium's in a row that went negative how this one-third would apply? You know negative times negative and how all that works and since we're putting this in the constitution."

Senator Zarelli: "Yes, this is one of the changes that we made in this bill is to recognize that during times of severe recession obviously revenue goes down considerably and one would expect coming out of that recession you have exceptional revenue built. So, we've exempted those first two biennium moving out from the average that would be required to be put in the rainy day fund. So, it gives us the ability, with the change that we made to this version of this amendment, to recognize that we will potentially have exceptional growth coming out of that recession era period but would not be required to then put that revenue away."

Senator Murray spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8206.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8206 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Litzow, McAuliffe, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Conway, Kohl-Welles and Nelson

Excused: Senator Hill

SENATE JOINT RESOLUTION NO. 8206, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5222, by Senators Kastama, Delvin, Eide, Honeyford, Hargrove, Haugen, Prentice, Hobbs, Shin and Chase

Increasing the flexibility for industrial development district levies for public port districts.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5222 was substituted for Senate Bill No. 5222 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama 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. 5222.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5222 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Schoesler

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5222, 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. 5741, by Senators Kastama and Chase

Concerning the economic development commission.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5741 was substituted for Senate Bill No. 5741 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach 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. 5741.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Hatfield and Honeyford

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5741, 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. 5186, by Senators Kastama, Delvin and Eide

Prohibiting skiing in areas closed to skiing. Revised for 1st Substitute: Concerning skiing in an area or ski trail closed to the public.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5186 was substituted for Senate Bill No. 5186 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama, Delvin, Morton and Regala be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.52.080 and 1979 ex.s. c 244 s 13 are each amended to read as follows:

(1) A person is guilty of criminal trespass in the second degree if he or she knowingly:

(a) Enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree; or

(b) Skis in an area or on a ski trail, owned or controlled by a ski area operator, that is closed to the public and that has signs posted indicating the closure.

(2) Criminal trespass in the second degree is a misdemeanor."

Senator Kastama 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 Kastama, Delvin, Morton and Regala to Substitute Senate Bill No. 5186.

The motion by Senator Kastama 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 "public;" strike the remainder of the title and insert "amending RCW 9A.52.080; and prescribing penalties."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Morton and Delvin spoke in favor of passage of the bill.

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5186.

SENATE BILL NO. 5555, by Senators Parlette, Hatfield, Morton, Honeyford and Hewitt

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist Newbry and King

Excused: Senator Hill

ENGROSSED SUBSTITUTE SENATE BILL NO. 5186, 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. 5631, by Senators Swecker, Hatfield, Haugen and Shin

Concerning miscellaneous provisions regulated by the department of agriculture.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SENATE BILL NO. 5631, 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

Concerning interbasin transfers of water rights.

MOTION

On motion of Senator Parlette, Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette, Rockefeller and Morton be adopted:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that because it is increasingly difficult for water users to acquire new water rights, transfers are a valuable and necessary water management tool. The legislature further finds that interbasin water right transfers may impact the economic and social welfare of rural communities. Therefore, the legislature intends for the department of ecology to provide notice electronically of a proposed interbasin water rights transfer to the board of commissioners in the county of origin before issuing a change authorization."

On page 4, line 30, after "after" strike "conferring with" and insert "providing notice electronically to"

On page 4, beginning on line 31, after "origin" strike "regarding the effect the transfer will have on the county of origin" and insert "upon receipt of an application"

On page 7, line 24, after "after" strike "conferring with" and insert "providing notice electronically to"

On page 7, beginning on line 25, after "origin" strike "regarding the effect the transfer will have on the county of origin" and insert "upon receipt of an application"

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette, Rockefeller and Morton on page 1, line 5 to Substitute Senate Bill No. 5555.

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

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Rockefeller 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. 5555.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs,

Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senator Hill

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, 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. 5576, by Senators Kilmer, Zarelli, Tom and Shin

Regarding capital construction and building purposes at the University of Washington and Washington State University.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5576 was substituted for Senate Bill No. 5576 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5576.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5576, 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. 5785, by Senators Murray, Kohl-Welles, White, Kline, Prentice, Nelson, Brown, McAuliffe and Keiser

Reconvening an Alaskan Way viaduct and Seattle Seawall replacement project expert review panel.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5785 was substituted for Senate Bill No. 5785 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and 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. 5785.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5171, by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Hobbs, Roach, Swecker, Pridemore, Shin, King, Kilmer, Hill, Keiser and McAuliffe).

Facilitating voting for service and overseas voters.

The bill was read on Third Reading.

MOTION

On motion of Senator Pridemore, the rules were suspended and Engrossed Substitute Senate Bill No. 5171 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5171, by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Hobbs, Roach, Swecker, Pridemore, Shin, King, Kilmer, Hill, Keiser and McAuliffe)

Facilitating voting for service and overseas voters.

The measure was read the second time.

MOTION

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

Senator Pridemore moved that the following amendment by Senators Benton and White to the striking amendment be adopted:

On page 15, line 32 of the amendment, after "~~guaranteed~~)." insert "For overseas and service voters, the declaration must also explain that a voter may fax or e-mail a voted ballot and the signed declaration if the voter agrees to waive secrecy."

On page 17, line 1 of the amendment, after "voter" insert "who agrees to waive secrecy"

MOTION

On motion of Senator Pridemore and without objection, the motion by Senator Pridemore to adopt the amendment by Senators Benton and White on page 15, line 32 to the striking amendment was withdrawn.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Pridemore moved that the vote by which the striking amendment by Senator Pridemore to Substitute Senate Bill No. 5171 was adopted on the previous day be immediately reconsidered.

The President declared the question before the Senate to be the motion by Senator Pridemore to immediately reconsider the vote by which the striking amendment by Senator Pridemore to Substitute Senate Bill No. 5171 was adopted on the previous day.

The motion by Senator Pridemore carried and the vote by which the striking amendment by Senator Pridemore to Substitute Senate Bill No. 5171 was adopted was immediately reconsidered by voice vote.

MOTION

Senator Pridemore moved that the following amendment by Senators Benton and White to the striking amendment be adopted:

On page 15, line 32 of the amendment, after "~~guaranteed~~)." insert "For overseas and service voters, the declaration must also explain that a voter may fax or e-mail a voted ballot and the signed declaration if the voter agrees to waive secrecy."

On page 17, line 1 of the amendment, after "voter" insert "who agrees to waive secrecy"

Senator Pridemore 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 Senators Benton and White on page 15, line 32 to the striking amendment to Engrossed Substitute Senate Bill No. 5171.

The motion by Senator Pridemore 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 Senator Pridemore to Engrossed Substitute Senate Bill No. 5171 as amended.

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

MOTION

On motion of Senator Pridemore, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Hobbs, Hargrove, White and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Holmquist Newbry

Excused: Senator Hill

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5731, by Senators Chase, Kastama, Shin and Conway

Concerning Washington manufacturing services.

The measure was read the second time.

MOTION

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

On page 3, after line 18, insert the following:

"**NEW SECTION. Sec. 2.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.409 (Manufacturing innovation and modernization extension service program--Termination) and 2008 c 315 s 7; and

(2) RCW 43.131.410 (Manufacturing innovation and modernization extension service program--Repeal) and 2008 c 315 s 8."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 24.50.010; and repealing RCW 43.131.409 and 43.131.410."

WITHDRAWAL OF AMENDMENT

On motion of Senator Chase, the amendment by Senator Chase on page 3, line 18 to Senate Bill No. 5731 was withdrawn.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase 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. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Ericksen

Excused: Senator Hill

SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION

8629

By Senators Ranker, Hatfield, Hobbs, Harper, Pridemore, Nelson, Hargrove, Kastama, Kilmer, and Keiser

WHEREAS, Sheriff William Cumming, an infantry veteran of the Vietnam War; six term elected sheriff of San Juan County, and a graduate of the U.C. Berkeley School of Criminology, has served to ensure the county and its communities have the resources to fulfill the basic mission of law enforcement; and

WHEREAS, The public safety, peace, and well-being of a community is maintained and protected by the professionalism, vigilance, attention, and strength to the needs of its citizens by its law enforcement; and

WHEREAS, Sheriff Cumming has led the men and women of the San Juan County Sheriff's Department who are some of the finest and most dedicated public servants in justice; and

WHEREAS, Sheriff Cumming leaves his public safety operations after years of service in law and justice as the second longest serving sheriff in Washington State; and

WHEREAS, He continuously relied on support from his loving family to help carry him on through his years of service to his community; and

WHEREAS, Sheriff Cumming has also served the community with his many countless hours as a volunteer, and we are indebted for his service to our community; and

WHEREAS, Sheriff Cumming has consolidated and improved the efficiency and effectiveness of dispatch units in the county; and

WHEREAS, Sheriff Cumming has worked to acquire critical watercraft operated and maintained by the department to serve the police, medical, and emergency transportation needs of the county; and

WHEREAS, He collaborated with San Juan Islands Emergency Medical Services to retrofit a Sheriff's Department boat, known as "The Guardian," into a fully licensed ambulance that could serve as a backup in shuttling critical care patients to the mainland when planes and helicopters were grounded by bad weather; and

WHEREAS, Sheriff Cumming often piloted "The Guardian" when weather conditions were extreme, because his expertise and knowledge of the islands and the water remain second to none; and

WHEREAS, In the last few years, several lives have been saved because of his willingness to put himself out there on the line, demonstrating how he has been a real hero for his community; and

WHEREAS, He worked relentlessly to help pass levies to keep schools and other community programs like Island Recreation going on schedule; and

WHEREAS, He fathered two sons, Dan and Tim Cumming, who have successfully launched into their own lives at Johns Hopkins University and Pacific Lutheran University; and

WHEREAS, Sheriff Cumming has overseen the modernization and enhancements of the Sheriff's Department and its ability to quickly respond, both on land and water; and

WHEREAS, Sheriff Cumming's retirement signifies the end of a great era in law enforcement and public safety, while allowing him to begin anew; and

WHEREAS, His professional career may have come to an end, but his legacy of true dedication as a public servant will continuously live on through those who had the pleasure to know and work with him, and the paths of leadership he left behind;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate Sheriff William Cumming for his twenty-four years as Sheriff and his dedication to the citizens of San Juan County and the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution honoring him be immediately transmitted by the Secretary of the Senate to Sheriff William Cumming, Mrs. Maude Cumming, and Mr. Tim and Dan Cumming; and

BE IT FURTHER RESOLVED, That a copy of this resolution honoring Sheriff Cumming be immediately transmitted by the Secretary of the Senate to the San Juan County Sheriff's Department, the San Juan Islander, the Island Guardian, the Island Sounder, and the Journal of San Juans.

Senator Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Sheriff William Cummings and wife Maude who were seated in the gallery.

MOTION

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

SECOND READING

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

SENATE BILL NO. 5546, by Senators Kohl-Welles, Delvin, Chase, Pflug, Fraser, Keiser, Rockefeller, Regala, Kline, Holmquist Newbry, King, Shin, White, Stevens, Roach and Conway

ROLL CALL

Concerning the crime of human trafficking.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5546 was substituted for Senate Bill No. 5546 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Delvin 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. 5546.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5546, 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. 5545, by Senators Delvin, Kohl-Welles, Hargrove, Stevens, Fraser, Swecker, Chase, McAuliffe, White, Eide, Roach, Shin and Regala

Addressing police investigations of commercial sexual exploitation of children and human trafficking.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5545 was substituted for Senate Bill No. 5545 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. 5545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin 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. 5545.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5545 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:55 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator White moved that Gubernatorial Appointment No. 9102, Albert Shen, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator White spoke in favor of the motion.

MOTION

On motion of Senator Pridemore, Senator Hobbs was excused.

MOTION

On motion of Senator Ericksen, Senator Parlette was excused.

APPOINTMENT OF ALBERT SHEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9102, Albert Shen as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9102, Albert Shen as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain,

Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Absent: Senator Kline

Excused: Senators Hill and Parlette

Gubernatorial Appointment No. 9102, Albert Shen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

MOTION

At 1:40 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:50 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9092, Margaret Rojas, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF MARGARET ROJAS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9092, Margaret Rojas as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9092, Margaret Rojas as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

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

Absent: Senators Hargrove and Haugen

Excused: Senators Hill and Parlette

Gubernatorial Appointment No. 9092, Margaret Rojas, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

SECOND READING

SENATE BILL NO. 5298, by Senators White, Ericksen, Carrell, Shin, Ranker, Hill and Conway

Authorizing the use of digital outdoor advertising signs to expand the state's emergency messaging capabilities.

MOTIONS

On motion of Senator White, Substitute Senate Bill No. 5298 was substituted for Senate Bill No. 5298 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator White, the rules were suspended, Substitute Senate Bill No. 5298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators White and 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. 5298.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5298 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Conway, Delvin, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, White and Zarelli

Voting nay: Senators Chase, Fraser, Haugen, Kastama, Keiser, Nelson, Sheldon and Tom

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5298, 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. 5749, by Senators Brown, Hewitt and Shin

Regarding the Washington advanced college tuition payment (GET) program.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5749 was substituted for Senate Bill No. 5749 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Hewitt 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. 5749.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

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

Absent: Senator Nelson

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5749, 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. 5614, by Senators White, Kilmer, Tom, Kohl-Welles, Keiser, Kline and Conway

Establishing procedures for requesting the funds necessary to implement the compensation and fringe benefit provisions of bargaining agreements with the University of Washington under chapter 41.80 RCW.

MOTIONS

On motion of Senator White, Substitute Senate Bill No. 5614 was substituted for Senate Bill No. 5614 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator White, the rules were suspended, Substitute Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators White and Holmquist Newbry 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. 5614.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Honeyford

Excused: Senator Hill

SUBSTITUTE SENATE BILL NO. 5614, 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. 5463, by Senators Kilmer, Becker, Kastama, Shin, Tom and White

Requiring the college board to establish minimum standards for common student identifiers.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5463.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

SENATE BILL NO. 5463, 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. 5241, by Senators Roach and Tom

Modifying the authority of a watershed management partnership.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5241.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

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

Voting nay: Senators Delvin, Hatfield, Holmquist Newbry, Honeyford, King and Morton

Excused: Senator Hill

SENATE BILL NO. 5241, 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. 5638, by Senators Keiser, Fain, Prentice and Shin

Concerning the exemption of flood control zone districts that are coextensive with a county from certain limitations upon regular property tax levies.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen, King and Ranker be adopted:

On page 2, line 17, after "districts" insert "in a county with a population of one million five hundred thousand or more"

On page 2, line 23, after "district" insert "in a county with a population of one million five hundred thousand or more"

On page 4, line 11, after "county" insert "that has a population of one million five hundred thousand or more"

On page 6, line 11 after "districts" insert "in a county with a population of one million five hundred thousand or more"

Senators Ericksen and Keiser 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 Ericksen, King and Ranker on page 2, line 17 to Senate Bill No. 5638.

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

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Keiser be adopted:

On page 6, after line 11, insert the following:

"**Sec. 3.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read as follows:

A metropolitan park district with a population of one hundred fifty thousand or more, or any metropolitan park district located in a county with a population of one million five hundred thousand or more, may submit a ballot proposition to voters of the district authorizing the protection of the district's tax levy from prorating under RCW 84.52.010(2) by imposing all or any portion of the district's twenty-five cent per thousand dollars of assessed valuation tax levy outside of the five dollar and ninety cent per thousand dollar of assessed valuation limitation established under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(2)(c), for taxes imposed in any year on or before the first day of January six years after the ballot proposition is approved. A simple majority vote of voters voting on the proposition is required for approval."

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

Senator Pflug 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 Pflug and Keiser on page 6, after line 11 to Senate Bill No. 5638.

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

MOTION

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

On page 1, line 3 of the title, after "levies", insert "while protecting other levies from pro-rationing"

On page 1, line 3 of the title, after "84.52.010" insert ", 84.52.120,"

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Fain spoke in favor of passage of the bill.

MOTION

On motion of Senator White, Senator Murray was excused.

POINT OF INQUIRY

Senator Roach: "Would Senator Keiser yield to a question? It says in the summary of the bill about flood damage being enormous and the potential of that is certainly there. It says our goal is to remove one-hundred percent of the homes that are at risk of flooding. Is the intent then to buy up property and remove the homes through some sort of eminent domain situation or what... Am I reading this right?"

Senator Keiser: "I cannot speak for the testimony that was given in terms of the flood plain in the Green River Valley and FEMA is currently redoing the maps for the entire valley. We don't have final determination of what really is at risk but in fact we do have concerns that if we have people living, especially if they're living in areas that could be inundated, that we have some way to protect their property and their lives. The King County Flood district is mostly incorporated and in place to repair levies and provide public safety."

MOTION

On motion of Senator Ericksen, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and White

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senators Hill, Murray and Zarelli

ENGROSSED SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:36 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 5:10 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5800, by Senators King, Haugen and Shin

Authorizing the use of modified off-road motorcycles on public roads.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 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. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Haugen 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. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

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

Voting nay: Senators Holmquist Newbry and Stevens

Absent: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5800, 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. 5343, by Senators Haugen, Delvin, Hatfield, Honeyford, Becker, Shin and Schoesler

Concerning air emissions from anaerobic digesters.

MOTIONS

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

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

Senators Hatfield and Haugen 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. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Fraser, Kohl-Welles, Murray, Nelson, Rockefeller and White

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.

MOTION

On motion of Senator White, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5022, by Senators Kilmer, Regala, Pflug and Rockefeller

Clarifying the statute of limitations for any court action brought under RCW 42.56.550.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5022 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 Substitute Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Conway

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5022, 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. 5374, by Senators Becker and Hobbs

Making technical, nonsubstantive changes to various sections of the Revised Code of Washington that impact the department of agriculture.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5374 was substituted for Senate Bill No. 5374 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5374, 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. 5748, by Senators Rockefeller, Honeyford and Chase

Regarding cottage food operations.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5748 was substituted for Senate Bill No. 5748 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senators Rockefeller, Hatfield and Delvin be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 69.07 RCW to read as follows:

(1) A cottage food operation licensed by the department is exempt from prohibitions against the use of a home kitchen under provisions of rules adopted by the department or the Washington state food service code.

(2) A cottage food operation licensed by the department is not subject to permitting and inspection by local health jurisdictions under the Washington state food service code except in response to a foodborne outbreak or other public health emergency.

(3) A cottage food operation must package and properly label for sale to the consumer any food it produces, and the food may not be repackaged or used as an ingredient in other foods by a food processing plant or food service establishment.

(4) A cottage food operation must place on the label of any food it produces or packages, at a minimum, the following information:

(a) The name and address of the business of the cottage food operation;

(b) The name of the cottage food product;

(c) The ingredients of the cottage food product, in descending order of predominance by weight;

(d) The net weight or net volume of the cottage food product;

(e) Allergen labeling as specified by federal labeling requirements;

(f) If any nutritional claim is made, appropriate labeling as specified by federal labeling requirements;

(g) The following statement printed in at least the equivalent of eleven-point font size in a color that provides a clear contrast to the background: "Made in a home kitchen."

(5) Cottage food products may not be sold by internet or mail order or for resale outside the state.

(6) The gross sales of cottage food products may not exceed ten thousand dollars annually. The determination of the ten thousand dollar annual gross sales shall be computed on the basis of the amount of gross sales within or at a particular domestic residence and shall not be computed on a per person basis within or at that domestic residence. The department may request in writing documentation to verify the annual gross sales figure.

(7) Cottage food products must be stored only in the primary domestic residence.

(8) This section does not affect the application of any other state or federal laws or any applicable ordinances enacted by any local unit of government.

Sec. 2. RCW 69.07.010 and 1992 c 34 s 3 are each amended to read as follows:

~~((For the purposes of))~~ The definitions in this section apply throughout this chapter(~~(:)~~) unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington(~~(:)~~).

(2) "Director" means the director of the department(~~(:)~~).

(3) "Food" means any substance used for food or drink by any person, including ice, bottled water, and any ingredient used for components of any such substance regardless of the quantity of such component(~~(:)~~).

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

(4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media(§).

(5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state(§).

(6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for distribution or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That, as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing(§).

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants(§).

(8) "Person" means an individual, partnership, corporation, or association.

(9) "Cottage food operation" means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence in Washington and only for sale directly to the consumer.

(10) "Cottage food products" means nonpotentially hazardous baked goods; jams, jellies, preserves, and fruit butters as defined in 21 C.F.R. Sec. 150; and other nonpotentially hazardous foods identified by the department in rule.

(11) "Domestic residence" means a single-family dwelling or an area within a rental unit where a single person or family actually resides. Domestic residence does not include:

- (a) A group or communal residential setting within any type of structure; or
- (b) An outbuilding, shed, barn, or other similar structure.

(12) "Home kitchen" means a kitchen primarily intended for use by the residents of a home. It may contain one stove or oven, which may be a double oven, designed for residential use.

(13) "Potentially hazardous food" means foods requiring temperature control for safety because they are capable of supporting the rapid growth of pathogenic or toxigenic microorganisms, or the growth and toxin production of Clostridium botulinum.

(14) "Washington state food service code" means food safety rules adopted by the state board of health under the authority of chapter 43.20 RCW.

Sec. 3. RCW 69.07.040 and 1995 c 374 s 21 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set

by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

If gross annual sales are: The license fee is:

\$0 to \$10,000, Cottage food.....	operation only
.....	.....\$30.00
.....	.....\$0 to \$50,000
.....	.....\$55.00
.....	.....\$50,001 to \$500,000
.....	.....\$110.00
.....	.....\$500,001 to \$1,000,000
.....	.....\$220.00
.....	.....\$1,000,001 to \$5,000,000
.....	.....\$385.00
.....	.....\$5,000,001 to \$10,000,000
.....	.....\$550.00
.....	.....Greater than \$10,000,000
.....	.....\$825.00

Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter. The director may waive the licensure requirements of this chapter for a person's operations at a facility if the person has obtained a milk processing plant license under chapter 15.36 RCW to conduct the same or a similar operation at the facility.

Sec. 4. RCW 69.07.080 and 1969 c 68 s 3 are each amended to read as follows:

(1) For purpose of determining whether the rules adopted pursuant to RCW 69.07.020, as now or hereafter amended are complied with, the department shall have access for inspection purposes to any part, portion or area of a food processing plant or cottage food operation,

and any records required to be kept under the provisions of this chapter or rules (~~and regulations~~) adopted hereunder. Such inspection shall, when possible, be made during regular business hours or during any working shift of said food processing plant or cottage food operation. The department may, however, inspect such food processing plant or cottage food operation at any time when it has received information that an emergency affecting the public health has arisen and such food processing plant or cottage food operation is or may be involved in the matters causing such emergency.

(2) The department may apply for an administrative inspection warrant to a court of competent jurisdiction and an administrative inspection warrant may be issued where:

(a) The department has attempted an inspection under this chapter and access to all or part of the regulated business or entity has been actually or constructively denied; or

(b) There is reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred."

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller, Hatfield and Delvin to Substitute Senate Bill No. 5748.

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

MOTION

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

On page 1, line 1 of the title, after "operations;" strike the remainder of the title and insert "amending RCW 69.07.010, 69.07.040, and 69.07.080; and adding a new section to chapter 69.07 RCW."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller 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. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Holmquist Newbry and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5748, 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. 5540, by Senators Hobbs, Delvin, King and Hewitt

Authorizing the use of automated school bus safety cameras.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Hargrove and 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. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5540, 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. 5501, by Senators Murray, Kilmer, Schoesler, Conway, Honeyford, Kohl-Welles, Keiser, Shin, Holmquist Newbry and White

Concerning the taxation of employee meals provided without specific charge.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5501.

ROLL CALL

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5501, 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. 5590, by Senator Benton

Concerning lien holder requirements for certain foreclosure sales.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5590 was substituted for Senate Bill No. 5590 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5590 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.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5590, 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. 5359, by Senators Morton, Swecker, Honeyford and Schoesler

Concerning contiguous land under current use open space property tax programs.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5359 was substituted for Senate Bill No. 5359 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5359.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5359, 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. 5695, by Senators Fraser, Swecker and Kilmer

Concerning the authorization of bonds issued by Washington local governments.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5695 was substituted for Senate Bill No. 5695 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. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser 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. 5695.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5695 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5695, 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. 5143, by Senators McAuliffe and Shin

Addressing the annexation of unincorporated areas served by fire protection districts.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and McAuliffe 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. 5143.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5143 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hatfield

SENATE BILL NO. 5143, 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. 5525, by Senators Kilmer and Carrell

Addressing hospital benefit zones that have already formed. Revised for 1st Substitute: Concerning hospital benefit zones that have already formed.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5525 was substituted for Senate Bill No. 5525 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5525, 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. 5849, by Senators Prentice and Parlette

Concerning estates and trusts.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Parlette 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. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Kline

SENATE BILL NO. 5849, 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. 5124, by Senators White, Pridemore, Fraser and Shin

Modifying elections by mail provisions.

MOTION

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

On motion of Senator White, Substitute Senate Bill No. 5124 was substituted for Senate Bill No. 5124 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 20, line 32, after "~~law~~")" strike "two thousand" and insert "one thousand five hundred"

Senator White 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 White on page 20, line 32 to Substitute Senate Bill No. 5124.

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

MOTION

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

On page 50, at the beginning of line 20, strike "(1)"

On page 50, line 23, after "apply to" strike "((+)) (a)" and insert "(1)"

On page 50, at the beginning of line 25, strike "((+)) (b)" and insert "(2)"

On page 50, beginning on line 27, strike all of subsection (2)

On page 53, after line 13, insert the following:

"NEW SECTION. Sec. 77. A new section is added to chapter 29A.84 RCW to read as follows:

Any person, other than an election worker or a member of the voter's family, who handles another person's ballot after that ballot is filled out and the ballot declaration is signed shall be guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. Each ballot handled shall constitute a separate offense."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 17 of the title, after "29A.52 RCW;" insert "adding a new section to chapter 29A.84 RCW;"

Senator Benton spoke in favor of adoption of the amendment.

Senators Pridemore and Swecker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 50, line 20 to Substitute Senate Bill No. 5124.

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

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued at the polling place on election day by the precinct election board to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the Help America Vote Act, including but not limited to the following:

(a) The voter's name does not appear in the poll book or list of registered voters for the county;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(d) Any other reason allowed by law;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all candidates for partisan office who affiliate with that same major political party, as well as the nonpartisan races and ballot measures to be voted on at that primary;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

Sec. 2. RCW 29A.04.013 and 2003 c 111 s 103 are each amended to read as follows:

"Canvassing" means the process of examining ballots or groups of ballots, subtotals, and cumulative totals in order to determine the official returns of a primary or general election and includes the tabulation of any votes that were not previously tabulated at the precinct or in a counting center on the day of the primary or election.

Sec. 3. RCW 29A.04.031 and 2003 c 111 s 106 are each amended to read as follows:

For registered voters voting by absentee or mail ballot, "date of mailing" means the date of the postal cancellation on the envelope in which the ballot is returned to the election official by whom it was issued. For all (~~nonregistered absentee~~) service and overseas voters, "date of mailing" means the date stated by the voter on the (~~envelope in which the ballot is returned to the election official by whom it was issued~~) declaration.

Sec. 4. RCW 29A.04.037 and 2010 c 161 s 1103 are each amended to read as follows:

"Disabled voter" means any registered voter who qualifies for special parking privileges under RCW 46.19.010, or who is defined as blind under RCW 74.18.020, or who qualifies to require assistance with voting under (~~RCW 29A.44.240~~) section 25 of this act.

Sec. 5. RCW 29A.04.216 and 2004 c 271 s 104 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; ~~((to appoint the precinct election officers and to provide for their compensation;))~~ to provide the supplies and materials necessary for the conduct of elections ~~((to the precinct election officers;))~~; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

Sec. 6. RCW 29A.04.235 and 2003 c 111 s 138 are each amended to read as follows:

The secretary of state shall ensure that each county auditor is provided with the most recent version of the election laws of the state, as contained in this title. Where amendments have been enacted after the last compilation of the election laws, he or she shall ensure that each county auditor receives a copy of those amendments before the next primary or election. ~~((The county auditor shall ensure that any statutory information necessary for the precinct election officers to perform their duties is supplied to them in a timely manner.))~~

Sec. 7. RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read as follows:

The secretary of state or a county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

- (1) Declarations of candidacy;
- (2) County canvass reports;
- (3) Voters' pamphlet statements;
- (4) Arguments for and against ballot measures that will appear in a voters' pamphlet;
- (5) Requests for recounts;
- (6) Certification of candidates and measures by the secretary of state;
- (7) Direction by the secretary of state for the conduct of a mandatory recount;
- (8) Requests for absentee ballots;
- (9) Any other election related document authorized by rule adopted by the secretary of state under RCW ~~((29A.04.610))~~ 29A.04.611.

The acceptance by the secretary of state or the county auditor is conditional upon the document being filed in a timely manner, being legible, and otherwise satisfying the requirements of state law or rules with respect to form and content.

If the original copy of a document must be signed and a copy of the document is filed by facsimile transmission under this section, the original copy must be subsequently filed with the official with whom the facsimile was filed. The original copy must be filed by a deadline established by the secretary by rule. The secretary may by rule require that the original of any document, a copy of which is filed by facsimile transmission under this section, also be filed by a deadline established by the secretary by rule.

Sec. 8. RCW 29A.04.470 and 2004 c 267 s 203 are each amended to read as follows:

(1) The secretary of state shall create an advisory committee and adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria for administering the local government grant program, which may include a preference for grants that include a match of local funds.

(2) The advisory committee shall review grant proposals and establish a prioritized list of projects to be considered for funding by the third Tuesday in May of each year beginning in 2004 and continuing as long as funds in the election account established by ~~((chapter 48, Laws of 2003 [RCW 29A.04.440]))~~ RCW 29A.04.440 are available. The grant award may have an effective date other than the date the project is placed on the prioritized list, including money spent previously by the county that would qualify for reimbursement under the Help America Vote Act (P.L. 107-252).

(3) Examples of projects that would be eligible for local government grant funding include, but are not limited to the following:

- (a) Replacement or upgrade of voting equipment, including the replacement of punch card voting systems;
- (b) Purchase of additional voting equipment, including the purchase of equipment to meet the disability requirements of the Help America Vote Act (P.L. 107-252);
- (c) Purchase of new election management system hardware and software capable of integrating with the statewide voter registration system required by the Help America Vote Act (P.L. 107-252);
- (d) Development and production of poll worker recruitment and training materials;
- (e) Voter education programs;
- (f) Publication of a local voters' pamphlet;
- (g) Toll-free access system to provide notice of the outcome of provisional ballots; and
- (h) Training for local election officials.

Sec. 9. RCW 29A.04.540 and 2009 c 415 s 9 are each amended to read as follows:

A person having responsibility for the administration or conduct of elections ~~((other than precinct election officers;))~~ shall, within eighteen months of undertaking those responsibilities, receive general training regarding the conduct of elections and specific training regarding their responsibilities and duties as prescribed by this title or by rules adopted by the secretary of state under this title. Included among those persons for whom such training is mandatory are the following:

- (1) Secretary of state elections division personnel;
- (2) County elections administrators under RCW 36.22.220; and
- (3) Any other person or group charged with election administration responsibilities if the person or group is designated by rule adopted by the secretary of state as requiring the training.

Neither this section nor RCW 29A.04.530 may be construed as requiring an elected official to receive training or a certificate of training as a condition for seeking or holding elective office or as a condition for carrying out constitutional duties.

Sec. 10. RCW 29A.04.580 and 2003 c 111 s 156 are each amended to read as follows:

The county auditor may designate any person who has been certified under this chapter, other than the auditor, to participate in a review conducted in the county under this chapter. Each county auditor and canvassing board shall cooperate fully during an election review by making available to the reviewing staff any material requested by the staff. The reviewing staff shall have full access to ~~((ballot pages, absentee voting materials, any other election material normally kept in a secure environment after the election, and other requested))~~ the county's election material. If ballots are reviewed by the staff, they shall be reviewed in the presence of the canvassing board or its designees. Ballots shall not leave the custody of the canvassing board. During the review and after its completion, the review staff may make appropriate

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

recommendations to the county auditor or canvassing board, or both, to bring the county into compliance with the training required under this chapter, and the laws or rules of the state of Washington, to safeguard election material or to preserve the integrity of the elections process.

Sec. 11. RCW 29A.04.611 and 2009 c 369 s 5 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic ((~~faesimile~~) transmission);
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate overseas voters and service voters;

(37) The tabulation of paper ballots (~~((before the close of the polls))~~);

(38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons and voting centers;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting (~~((during the early voting period to provide accessibility for the blind or visually impaired))~~) on accessible voting devices;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity

for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on absentee, mail, and provisional ballot ~~((envelopes))~~ declarations.

Sec. 12. RCW 29A.08.130 and 2009 c 369 s 13 are each amended to read as follows:

Election officials shall not include inactive voters in the count of registered voters for the purpose of dividing precincts, creating vote-by-mail precincts, determining voter turnout, or other purposes in law for which the determining factor is the number of registered voters. ~~((Election officials shall not include persons who are ongoing absentee voters under RCW 29A.40.040 in determining the maximum permissible size of vote by mail precincts or in determining the maximum permissible size of precincts. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29A.60.230.))~~

Sec. 13. RCW 29A.08.140 and 2009 c 369 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than twenty-nine days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election. A person registering under this subsection will be issued an absentee ballot.

(2) A person who is already registered to vote in Washington may update his or her registration no later than twenty-nine days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

~~((3))~~ Prior to each primary and general election, the county auditor shall give notice of the registration deadlines by one publication in a newspaper of general circulation in the county at least thirty-five days before the primary or general election.)

Sec. 14. RCW 29A.08.820 and 2006 c 320 s 5 are each amended to read as follows:

(1) Challenges initiated by a registered voter against a voter who registered to vote less than sixty days before the election, or who changed residence less than sixty days before the election without transferring his or her registration, must be filed not later than ten days before any primary or election, general or special, or within ten days of the voter being added to the voter registration database, whichever is later, at the office of the appropriate county auditor. Challenges initiated by a registered voter ~~((against any other voter))~~ or county prosecuting attorney must be filed not later than forty-five days before the election. ~~((Challenges initiated by the office of the county prosecuting attorney must be filed in the same manner as challenges initiated by a registered voter.))~~

(2)(a) If the challenge is filed within forty-five days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately in the poll book or voter registration system, and the county canvassing board presides over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot. A challenged ballot received at a polling place must be placed in a sealed envelope separate from other voted ballots.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election.

(3) If the challenge is filed at least forty-five days before an election at which the challenged voter is eligible to vote, the county auditor presides over the hearing.

Sec. 15. RCW 29A.12.085 and 2005 c 242 s 1 are each amended to read as follows:

Beginning on January 1, 2006, all direct recording electronic voting devices must produce a paper record of each vote that may be accepted or rejected by the voter before finalizing his or her vote. This record may not be removed from the polling place or voting center, and must be human readable without an interface and machine readable for counting purposes. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter. Rejected records must either be destroyed or marked in order to clearly identify the record as rejected. Paper records produced by direct recording electronic voting devices are subject to all the requirements of chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

Sec. 16. RCW 29A.12.110 and 2003 c 111 s 311 are each amended to read as follows:

In preparing a voting device for a primary or election, a record shall be made of the ballot format programming installed in each device and the precinct or portion of a precinct for which that device has been prepared. Except where provided by a rule adopted under RCW ~~((29A.04.610))~~ 29A.04.611, after being prepared for a primary or election, each device shall be sealed with a uniquely numbered seal and provided to the inspector of the appropriate polling place. The programmed memory pack for each voting device must be sealed into the device during final preparation and logic and accuracy testing. Except in the case of a device breakdown or error in programming, the memory pack must remain sealed in the device until after 8:00 p.m. on the day of the primary, special election, or general election.

Sec. 17. RCW 29A.12.120 and 2003 c 111 s 312 are each amended to read as follows:

(1) Before each state primary or general election at which voting systems are to be used, the county auditor shall instruct all ~~((precinct election officers appointed under RCW 29A.44.410.))~~ counting center personnel(;) and political party observers designated under RCW 29A.60.170 who will operate a voting system in the proper conduct of their voting system duties.

(2) The county auditor may waive instructional requirements for ~~((precinct election officers.))~~ counting center personnel(;) and political party observers who have previously received instruction and who have served for a sufficient length of time to be fully qualified to perform their duties. The county auditor shall keep a record of each person who has received instruction and is qualified to serve at the subsequent primary or election.

(3) ((As compensation for the time spent in receiving instruction, each precinct election officer who qualifies and serves at the subsequent primary or election shall receive an additional two hours compensation, to be paid at the same time and in the same manner as compensation is paid for services on the day of the

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

primary or election.

(4) Except for the appointment of a precinct election officer to fill a vacancy under RCW 29A.44.440, no inspector or judge may serve at any primary or election at which voting systems are used unless he or she has received the required instruction and is qualified to perform his or her duties in connection with the voting devices.) No person may work in a counting center at a primary or election at which a vote tallying system is used unless that person has received the required instruction and is qualified to perform his or her duties in connection with the handling and tallying of ballots for that primary or election. No person may serve as a political party observer unless that person has received the required instruction and is familiar with the operation of the counting center and the vote tallying system and the procedures to be employed to verify the accuracy of the programming for that vote tallying system.

Sec. 18. RCW 29A.12.160 and 2004 c 267 s 701 are each amended to read as follows:

(1) At each polling location or voting center, at least one voting unit certified by the secretary of state shall provide access to individuals who are blind or visually impaired.

(2) ((Compliance with this provision in regard to voting technology and systems purchased prior to July 27, 2003, shall be achieved at the time of procurement of an upgrade of technology compatible with nonvisual voting methods or replacement of existing voting equipment or systems.

(3) Compliance with subsection (2) of this section is contingent on available funds to implement this provision.

(4)) For purposes of this section, the following definitions apply:

(a) "Accessible" includes receiving, using, selecting, and manipulating voter data and controls.

(b) "Nonvisual" includes synthesized speech, Braille, and other output methods.

(c) "Blind and visually impaired" excludes persons who are both deaf and blind.

((5)) (3) This section does not apply to voting by absentee ballot.

Sec. 19. RCW 29A.16.040 and 2004 c 266 s 10 are each amended to read as follows:

The county legislative authority of each county in the state ((hereafter formed)) shall ((at their first session,)) divide ((their respective counties)) the county into election precincts and establish the boundaries of the precincts. The county auditor shall thereupon designate the voting place for each such precinct or whether the precinct is a vote by mail precinct.

(1) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (5) of this section, no precinct ((boundaries)) changes may be ((changed)) made during the period starting ((on the thirtieth)) fourteen days prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(2) The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed ((that authorized by law)) two thousand active registered voters.

(3) ((Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred active registered voters.)) The number of poll-site ballot counting devices at each polling place is at the discretion of the auditor. The number of devices must be adequate to meet the expected voter turnout.

(4) On petition of twenty-five or more voters resident more than ten miles from any polling site, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city or town annexes unincorporated territory to the city or town, or whenever unincorporated territory is incorporated as a city or town. The adjustment must be made as soon as possible after the approval of the annexation or incorporation. The temporary adjustment must be limited to the minimum changes necessary to accommodate the addition of the territory to the city or town, or to establish the eligible voters within the boundaries of the new city or town, and remains in effect only until precinct boundary modifications reflecting the annexation or incorporation are adopted by the county legislative authority.

(6) In determining the number of active registered voters for the purposes of this section, persons who are ongoing absentee voters under RCW 29A.40.040 shall not be counted. Nothing in this subsection may be construed as altering the vote tallying requirements of RCW 29A.60.230.

Sec. 20. RCW 29A.32.260 and 2003 c 111 s 818 are each amended to read as follows:

As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. ((If the county or city chooses to mail the pamphlet to each residence, no notice of election otherwise required by RCW 29A.52.350 need be published.))

Sec. 21. RCW 29A.36.220 and 2003 c 111 s 922 are each amended to read as follows:

The cost of printing and mailing ballots, ((ballot cards)) envelopes, and instructions ((and the delivery of this material to the precinct election officers)) shall be an election cost that shall be borne as determined under RCW 29A.04.410 and 29A.04.420, as appropriate.

Sec. 22. RCW 29A.40.091 and 2010 c 125 s 1 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return ((it)) the ballot to the county auditor.

(2) The ((instructions that accompany a ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the voter reciting his or her qualifications and stating that he or she)) voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election((, together with a summary of the penalties for any violation of any of the provisions of this chapter)). The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and((, except as otherwise provided by law,)) it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The ((return envelope)) ballot materials must provide space for the voter to indicate the date on which the ballot was voted ((and for the voter)), to sign the ((oath. It must also contain a space so that the voter may include)) declaration, and to

provide a telephone number. ((A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope may provide secrecy for the voter's signature and optional telephone number.))

(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor ~~((by whom it was issued or attach sufficient first class postage, if applicable, and))~~ no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the ((appropriate)) county auditor with a postmark no later than the day of the election or primary ((for which the ballot was issued)).

((If the county auditor chooses to forward ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.))

Sec. 23. RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to read as follows:

County auditors must request that observers be appointed by the major political parties to be present during the processing of absentee ballots at the counting or polling center. County auditors have discretion to also request that observers be appointed by any campaigns or organizations. The absence of the observers will not prevent the processing of absentee ballots if the county auditor has requested their presence.

Sec. 24. RCW 29A.40.110 and 2009 c 369 s 40 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until ~~((after 8:00 p.m. of the day of the primary or election))~~ processing. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) ~~((Before opening a returned absentee ballot,))~~ The canvassing board, or its designated representatives, shall examine the postmark((=statement,)) on the return envelope and signature on the ((return envelope that contains the security envelope and absentee ballot)) declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the ~~((return envelope))~~ ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may

be conducted by an automated verification system approved by the secretary of state. For any absentee ballot, a variation between the signature of the voter on the ~~((return envelope))~~ ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) ~~((For registered voters casting absentee ballots))~~ If the postmark is missing or illegible, the date on the ((return envelope)) ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ((absentee)) ballot ((if the postmark is missing or is illegible)). For overseas voters and service voters, the date on the ~~((return envelope))~~ declaration to which the voter has attested determines the validity, as to the time of voting, for that absentee ballot.

NEW SECTION. Sec. 25. A new section is added to chapter 29A.44 RCW to read as follows:

(1) Each county auditor in a county that does not provide polling places for voters shall open a voting center each primary, special election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election, or general election.

(2) The voting center must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.

(3) The voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(4) The voting center must provide at least one voting unit certified by the secretary of state that provides access to individuals who are blind or visually impaired, enabling them to vote with privacy and independence.

(5) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

(6) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the county auditor shall verify that no votes have been registered for any issue or office, and that the device has been sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all device numbers and seal numbers.

(7) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.

(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(8) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information

FIFTY FOURTH DAY, MARCH 4, 2011

on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

(9) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(10) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(11) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(12) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.

(13) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(14) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.

(15) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open.

Sec. 26. RCW 29A.46.260 and 2010 c 215 s 5 are each amended to read as follows:

(1) The legislature finds that the elimination of polling places resulting from the transition to vote by mail creates barriers that restrict the ability of many voters with disabilities from achieving the independence and privacy in voting provided by the accessible voting devices required under the help America vote act. Counties adopting a vote by mail system must take appropriate steps to mitigate these impacts and to address the obligation to provide voters with disabilities an equal opportunity to vote independently and privately, to the extent that this can be achieved without incurring undue administrative and financial burden.

(2) Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The plan shall include recommendations for the following:

(a) The number of polling places or voting centers that will be maintained in order to ensure that people with disabilities have reasonable access to accessible voting devices, and a written explanation for how the determination was made;

(b) The locations of polling places, ballot drop-off facilities, voting centers, and other election-related functions necessary to maximize accessibility to persons with disabilities;

2011 REGULAR SESSION

(c) Outreach to voters with disabilities on the availability of disability accommodation, including in-person disability access voting;

(d) Transportation of voting devices to locations convenient for voters with disabilities in order to ensure reasonable access for voters with disabilities; and

(e) Implementation of the provisions of the help America vote act related to persons with disabilities.

Counties must update the plan at least annually. The election review staff of the secretary of state shall review and evaluate the plan in conformance with the review procedure identified in RCW 29A.04.570.

(3) Counties may form a joint advisory committee to develop the plan identified in subsection (2) of this section if no more than one of the participating counties has a population greater than seventy thousand.

NEW SECTION. Sec. 27. A new section is added to chapter 29A.52 RCW to read as follows:

Notice for any state, county, district, or municipal primary or election, whether special or general, must be given by the county auditor between five and fifteen days prior to the deadline for mail-in registrations. The notice must be published in one or more newspapers of general circulation and must contain, at a minimum, the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, the type of election, the date of the election, how a voter can obtain a ballot, a list of all jurisdictions involved in the election, including positions and short titles for ballot measures appearing on the ballot, and the times and dates of any public meetings associated with the election. The notice shall also include where additional information regarding the election may be obtained. This is the only notice required for a state, county, district, or municipal primary or special or general election. If the county or city chooses to mail a local voters' pamphlet as described in RCW 29A.32.210 to each residence, the notice required in this section need only include the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, and the times and dates of any public meetings associated with the election.

Sec. 28. RCW 29A.60.040 and 2009 c 414 s 2 are each amended to read as follows:

A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

Those parts of a ballot are invalid and no votes may be counted for those issues or offices where more votes are cast for the office or issue than are permitted by law; write-in votes do not contain all of the information required under RCW 29A.60.021; or that issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. No write-in vote may be rejected due to a variation in the form of the name if the ~~((election board or the))~~ canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote.

Sec. 29. RCW 29A.60.050 and 2005 c 243 s 13 are each amended to read as follows:

Whenever the ~~((precinct election officers or the))~~ counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by

the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.

Sec. 30. RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are each reenacted and amended to read as follows:

(1) If the voter neglects to sign the ~~((outside envelope of an absentee or provisional))~~ ballot declaration, the auditor shall notify the voter by first-class mail and advise the voter of the correct procedures for completing the unsigned ~~((affidavit))~~ declaration. If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. ~~((In order for the ballot to be counted, the voter must either:~~

~~— (a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or~~

~~— (b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.))~~

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope or a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, enclosing a copy of the ~~((envelope affidavit))~~ declaration, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the absentee or provisional ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. ~~((In order for the ballot to be counted, the voter must either:~~

~~— (i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or~~

~~— (ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. The voter may enclose with the affidavit a photocopy of a valid government or tribal issued identification document that includes the voter's current signature. If the signature on the copy of the affidavit does not match the signature on file or the signature on the copy of the identification document, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.))~~

(b) If the signature on an absentee or provisional ballot envelope or a ballot declaration is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope or a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request.

Sec. 31. RCW 29A.68.070 and 2003 c 111 s 1707 are each amended to read as follows:

No irregularity or improper conduct in the proceedings of any ~~((election))~~ county canvassing board or any member of the board amounts to such malconduct as to annul or set aside any election unless the irregularity or improper conduct was such as to procure the person whose right to the office may be contested, to be declared duly elected although the person did not receive the highest number of legal votes.

Sec. 32. RCW 29A.68.080 and 2003 c 111 s 1708 are each amended to read as follows:

When any election for an office exercised in and for a county is contested on account of any malconduct on the part of ~~((any election))~~ a county canvassing board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office in the remaining vote of the county.

Sec. 33. RCW 29A.84.020 and 2003 c 111 s 2102 are each amended to read as follows:

Every officer who willfully violates RCW 29A.56.110 through 29A.56.270, for the violation of which no penalty is prescribed in this title or who willfully fails to comply with the provisions of ~~((this chapter))~~ RCW 29A.56.110 through 29A.56.270 is guilty of a gross misdemeanor.

Sec. 34. RCW 29A.84.050 and 2005 c 243 s 23 are each amended to read as follows:

(1) A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed absentee or provisional ballot signature affidavit or ballot declaration is guilty of a gross misdemeanor. This section does not apply to ~~((4))~~ (a) the voter who completed the ~~((voter registration))~~ form or declaration, or ~~((2))~~ (b) a county auditor ~~((or registration assistant))~~ who acts as authorized by ~~((voter registration))~~ law.

(2) Any person who intentionally fails to return another person's completed voter registration form or signed ballot declaration to the proper state or county elections office by the applicable deadline is guilty of a gross misdemeanor.

Sec. 35. RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to read as follows:

~~((On the day of any primary or general or special election))~~ During the voting period that begins eighteen days before and ends the day of a special election, general election, or primary, no person may, within a polling place or voting center, or in any public area within three hundred feet of any entrance to such polling place or voting center:

(a) Suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure;

(b) Circulate cards or handbills of any kind;

(c) Solicit signatures to any kind of petition; or

(d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place or voting center.

(2) No person may obstruct the doors or entries to a building in which a polling place, voting center, or ballot drop location is located or prevent free access to and from any polling place, voting center, or ballot drop location. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent such obstruction, and may arrest any person creating such obstruction.

(3) No person may:

(a) Except as provided in RCW 29A.44.050, remove any ballot from the polling place before the closing of the polls; or

(b) Solicit any voter to show his or her ballot.

(4) No person other than an inspector or judge of election may receive from any voter a voted ballot or deliver a blank ballot to such elector.

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

(5) Any violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution.

Sec. 36. RCW 29A.84.520 and 2003 c 111 s 2122 are each amended to read as follows:

Any election officer who does any electioneering (~~on primary or election day~~) during the voting period that begins eighteen days before and ends the day of a special election, general election, or primary, is guilty of a misdemeanor, and upon conviction must be fined in any sum not exceeding one hundred dollars and pay the costs of prosecution.

Sec. 37. RCW 29A.84.530 and 2003 c 111 s 2123 are each amended to read as follows:

Deliberately impeding other voters from casting their votes by refusing to leave a voting booth or voting device is a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW. ~~(The precinct)~~ Election officers may provide assistance in the manner provided by ~~(RCW 29A.44.240)~~ section 25 of this act to any voter who requests it.

Sec. 38. RCW 29A.84.540 and 2003 c 111 s 2124 are each amended to read as follows:

Any person who, without lawful authority, removes a ballot from a polling place, voting center, or ballot drop location is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

Sec. 39. RCW 29A.84.545 and 2005 c 242 s 6 are each amended to read as follows:

Anyone who, without authorization, removes from a polling place or voting center a paper record produced by ~~(an)~~ a direct recording electronic voting device is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 40. RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to read as follows:

Any person who willfully defaces, removes, or destroys any of the supplies or materials that the person knows are intended both for use in a polling place or voting center and for enabling a voter to prepare his or her ballot is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 41. RCW 29A.84.655 and 2003 c 111 s 2132 are each amended to read as follows:

Any ~~(precinct)~~ election officer who ~~(knowingly permits any voter to cast a second vote at any primary or general or special election, or knowingly permits any person not a qualified voter to vote at any primary or general or special election)~~ intentionally tabulates or causes to be tabulated, through any act or omission, an invalid ballot when the person has actual knowledge that the ballot is invalid, is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 42. RCW 27.12.370 and 2006 c 344 s 19 are each amended to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next special election date according to RCW 29A.04.321, and shall cause notice of such election to be given as provided for in ~~(RCW 29A.52.354)~~ section 27 of this act.

The election on the annexation of the city or town into the library district shall be conducted by the auditor of the county or counties in which the city or town is located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of library district?"

YES

NO

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district.

Sec. 43. RCW 36.93.030 and 2006 c 344 s 28 are each amended to read as follows:

(1) There is hereby created and established in each county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other county in the following manner:

(a) The county legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the county legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the county legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next primary or general election according to RCW 29A.04.321. Notice of the election shall be given as provided in ~~(RCW 29A.52.354)~~ section 27 of this act and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 44. RCW 52.04.071 and 2009 c 115 s 2 are each amended to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in the city, partial city as set forth in RCW 52.04.061(2), or town and in the fire protection district at the next date according to RCW 29A.04.321, and shall cause notice of the election to be given as provided for in ~~(RCW 29A.52.354)~~ section 27 of this act.

The election on the annexation of the city, partial city as set forth in RCW 52.04.061(2), or town into the fire protection district shall be conducted by the auditor of the county or counties in which the city, partial city as set forth in RCW 52.04.061(2), or town and the fire protection district are located in accordance with the general election laws of the state. The results thereof shall be canvassed by the canvassing board of the county or counties. No person is entitled to vote at the election unless he or she is a qualified elector in the city, partial city as set forth in RCW 52.04.061(2), or town or unless he or she is a qualified elector within the boundaries of the fire protection district. The ballot proposition shall be in substantially the following form:

"Shall the city, partial city as set forth in RCW 52.04.061(2), or town of be annexed to and be a part of fire protection district?"

YES

NO

If a majority of the persons voting on the proposition in the city, partial city as set forth in RCW 52.04.061(2), or town and a majority of the persons voting on the proposition in the fire protection district vote in favor thereof, the city, partial city as set forth in RCW 52.04.061(2), or town shall be annexed and shall be a part of the fire protection district.

NEW SECTION. Sec. 45. RCW 29A.46.260 is recodified as a section in chapter 29A.04 RCW."

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 29A.04.008, 29A.04.013, 29A.04.031, 29A.04.037, 29A.04.216, 29A.04.235, 29A.04.255, 29A.04.470, 29A.04.540, 29A.04.580, 29A.04.611, 29A.08.130, 29A.08.140, 29A.08.820, 29A.12.085, 29A.12.110, 29A.12.120, 29A.12.160, 29A.16.040, 29A.32.260, 29A.36.220, 29A.40.091, 29A.40.100, 29A.40.110, 29A.46.260, 29A.60.040, 29A.60.050, 29A.68.070, 29A.68.080, 29A.84.020, 29A.84.050, 29A.84.510, 29A.84.520, 29A.84.530, 29A.84.540, 29A.84.545, 29A.84.550, 29A.84.655, 27.12.370, 36.93.030, and 52.04.071; reenacting and amending RCW 29A.60.165; adding a new section to chapter 29A.44 RCW; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW; recodifying RCW 29A.46.260; and prescribing penalties."

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

MOTION

Senator White moved that the following amendment by Senator White to the striking amendment be adopted:

On page 15, line 13 of the amendment, after "~~law~~")" strike "two thousand" and insert "one thousand five hundred"

Senator White 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 White on page 15, line 13 to the striking amendment to Substitute Senate Bill No. 5124.

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

MOTION

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

On page 26, at the beginning of line 26 of the amendment, strike "(1)"

On page 26, line 29 of the amendment, after "apply to" strike "~~((+))~~ (a)" and insert "(1)"

On page 26, at the beginning of line 31 of the amendment, strike "~~((=))~~ (b)" and insert "(2)"

Beginning on page 26, line 33 of the amendment, strike all of subsection (2)

On page 29, after line 9 of the amendment, insert the following: "**NEW SECTION. Sec. 42.** A new section is added to chapter 29A.84 RCW to read as follows:

Any person, other than an election worker or a member of the voters's family, who handles another person's ballot after that ballot is filled out and the ballot declaration is signed shall be guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. Each ballot handled shall constitute a separate offense."

ReNUMBER the remaining sections consecutively and correct any internal references accordingly.

On page 32, line 8 of the title amendment, after "29A.52 RCW;" insert "adding a new section to chapter 29A.84 RCW;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 26, line 26 to the striking amendment to Substitute Senate Bill No. 5124 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Carrell and others as amended to Substitute Senate Bill No. 5124.

Senators Regala and Conway spoke against the adoption of the striking amendment as amended.

Senators Roach and Becker spoke in favor of the adoption of the striking amendment as amended.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Benton, Kastama and Carrell spoke in favor of the adoption of the striking amendment as amended.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment as amended and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and White

MOTION

On motion of Senator White, the rules were suspended, Engrossed Substitute Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators White, Swecker and Kilmer spoke in favor of passage of the bill.

Senators Roach, Carrell and Benton spoke against passage of the bill.

POINT OF ORDER

Senator Eide: "I believe that good Senator is impugning our motives here in the chamber."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, it would be, you are slipping across the line a little bit there. Please bring it back."

Senators Stevens and Hargrove spoke against passage of the bill.

Senator Pridemore spoke in favor of passage of the bill.

FIFTY FOURTH DAY, MARCH 4, 2011

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5124.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and White

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5124, 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, Engrossed Substitute Senate Bill No. 5124 was immediately transmitted to the House of Representatives.

MOTION

Senator Benton moved that the Senate adjourn until 9:00 a.m. Saturday morning.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate adjourn until 9:00 a.m. Saturday morning.

The motion by Senator Benton failed by a voice vote.

POINT OF ORDER

Senator Benton: "Mr. President, Senate Rule 15 specifically states that the Senate will break for dinner. We have not done that. It also specifically states how much time. We have been on the floor since 1:30 this afternoon and we have members that need to eat and we need to have either a dinner break or we need to adjourn until tomorrow morning."

REPLY BY THE PRESIDENT

President Owen: "In responding to Senator Benton's point of order, it is true that, the Senate is required to provide a dinner break of I believe its ninety minutes. The Rule does not say when that must take place so your point is not well taken."

REMARKS BY SENATOR EIDE

Senator Eide: "For the good Senator's information we have two bills left on the order of consideration, they should go fairly fast. One of them is your amendment Senator so we will probably adopt it and then you might have your dinner by eight o'clock if we get these rolling. Ok, 8:15 p.m. at the latest. Thank you Mr. President."

SECOND READING

SENATE BILL NO. 5730, by Senator Rockefeller

2011 REGULAR SESSION

Authorizing mileage-based automobile insurance. Revised for 1st Substitute: Exempting certain usage or mileage-based insurance information from public inspection.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5730 was not substituted for Senate Bill No. 5730 and the substitute bill was not adopted.

MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that among the choices of automobile insurance policies that are available to drivers in this state should be policies whose premiums are priced based upon the demonstration of safe driving behavior. Having such usage-based policies available will provide people an opportunity to save money in the costs of insuring their vehicles, and would provide an incentive for reduced and safer driving that will reduce costs for fuel and vehicle maintenance, reduce accidents, and decrease driving-related pollution and congestion. Therefore, it is the purpose of this legislation to encourage the offering of these policies in Washington by eliminate existing regulatory barriers to offering usage-based automobile insurance policies, expressly authorizing the insurance commissioner to approve the offering of such policies, ensuring the privacy of drivers is protected, and allowing trade secret protection for proprietary usage-based insurance models.

Sec. 2. RCW 48.19.040 and 1994 c 131 s 8 are each amended to read as follows:

(1) Every insurer or rating organization shall, before using, file with the commissioner every classifications manual, manual of rules and rates, rating plan, rating schedule, minimum rate, class rate, and rating rule, and every modification of any of the foregoing which it proposes. The insurer need not so file any rate on individually rated risks as described in subdivision (1) of RCW 48.19.030; except that any such specific rate made by a rating organization shall be filed.

(2) Every such filing shall indicate the type and extent of the coverage contemplated and must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter. An insurer or rating organization shall offer in support of any filing:

(a) The experience or judgment of the insurer or rating organization making the filing;

(b) An exhibit detailing the major elements of operating expense for the types of insurance affected by the filing;

(c) An explanation of how investment income has been taken into account in the proposed rates; and

(d) Any other information which the insurer or rating organization deems relevant.

(3) If an insurer has insufficient loss experience to support its proposed rates, it may submit loss experience for similar exposures of other insurers or of a rating organization.

(4) Every such filing shall state its proposed effective date.

(5)(a) A filing made pursuant to this chapter shall be exempt from the provisions of RCW 48.02.120(3). However, the filing and all supporting information accompanying it shall be open to

public inspection only after the filing becomes effective unless such information is specifically exempt from public inspection.

(b) Information associated with an auto insurance filing for a usage or mileage- based insurance product that constitutes a trade secret as defined in RCW 19.108.010 is exempt from public inspection.

(6) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.090.

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

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rockefeller and Benton to Senate Bill No. 5730.

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

MOTION

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

On page 1, line 1 of the title, strike all material through line 3, and insert "An act relating to usage-based automobile insurance and exempting certain usage-based insurance information from public inspection; adding amending RCW 48.19.040; and adding creating a new section."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Senate Bill No. 5730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller 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. 5730.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5730 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hargrove, Hatfield and Holmquist Newbry

ENGROSSED SENATE BILL NO. 5730, 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. 5492, by Senators Schoesler, Hatfield and Hewitt

Changing Washington beer commission provisions.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5492 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 Senate Bill No. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hargrove, Haugen and Holmquist Newbry

SENATE BILL NO. 5492, 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 7:59 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Saturday, March 5, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1037-S		1522-S	
Messages	1	Introduction & 1 st Reading.....	3
1048-S		1547-S	
Messages	1	Introduction & 1 st Reading.....	3
1057-S		1586	
Messages	1	Introduction & 1 st Reading.....	3
1081-S		1593-S2	
Introduction & 1 st Reading	1	Introduction & 1 st Reading.....	3
1084-S		1599-S2	
Messages	1	Introduction & 1 st Reading.....	3
1089-S		1631	
Introduction & 1 st Reading	1	Introduction & 1 st Reading.....	3
1128-S2		1650-S	
Introduction & 1 st Reading	1	Introduction & 1 st Reading.....	3
1133-S		1674	
Introduction & 1 st Reading	1	Messages.....	1
1144-S2		1699-S	
Messages	1	Introduction & 1 st Reading.....	3
1150		1703	
Messages	1	Introduction & 1 st Reading.....	3
1163-S2		1731-S	
Introduction & 1 st Reading	1	Introduction & 1 st Reading.....	3
1171		1756-S	
Messages	1	Introduction & 1 st Reading.....	4
1172-S		Other Action	5
Messages	1	1761-S	
1178		Introduction & 1 st Reading.....	4
Messages	1	1774-S	
1202-S		Introduction & 1 st Reading.....	4
Messages	1	1776-S2	
1206-S2		Introduction & 1 st Reading.....	4
Messages	1	1783-S	
1265-S		Messages.....	1
Messages	1	1794	
1290		Messages.....	1
Messages	1	1808-S2	
1309-S		Introduction & 1 st Reading.....	4
Messages	1	1815-S	
1339-S		Messages.....	1
Messages	1	1829-S	
1362-S2		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	1832-S	
1364		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	1849-S	
1391		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	1864-S	
1401-S		Messages.....	1
Introduction & 1 st Reading	2	1903-S2	
1405-S2		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	1909-S2	
1443-S2		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	1923-S	
1490		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	1937	
1491		Messages.....	1
Introduction & 1 st Reading	2	1939	
1498		Messages.....	1
Messages	1	2003	
1502-S		Introduction & 1 st Reading.....	4
Introduction & 1 st Reading	2	5022	
1510-S2		Second Reading	17
Introduction & 1 st Reading	2	5022-S	
1516-S		Second Reading	17
Messages	1	Third Reading Final Passage.....	18
1519-S2		5124	
Introduction & 1 st Reading	3	Second Reading	22

FIFTY FOURTH DAY, MARCH 4, 2011

2011 REGULAR SESSION

5124-S	Other Action.....	32	Second Reading	15
	Other Action.....	32	Third Reading Final Passage.....	15
	Second Reading.....	23, 32	5492	Second Reading
	Third Reading Final Passage	33		Third Reading Final Passage.....
5143	Second Reading.....	22	5501	Second Reading
	Third Reading Final Passage	22		Third Reading Final Passage.....
5171-S	Other Action.....	10	5525	Second Reading
	Second Reading.....	10, 11	5525-S	Second Reading
	Third Reading.....	10		Third Reading Final Passage.....
	Third Reading Final Passage	11	5540	Second Reading
5186	Second Reading.....	8	5540-S	Second Reading
5186-S	Other Action.....	8		Third Reading Final Passage.....
	Second Reading.....	8	5545	Second Reading
	Third Reading Final Passage	9	5545-S	Second Reading
5188	Second Reading.....	7		Third Reading Final Passage.....
5222	Second Reading.....	7	5546	Second Reading
5222-S	Second Reading.....	8	5546-S	Second Reading
	Third Reading Final Passage	8		Third Reading Final Passage.....
5241	Second Reading.....	15	5555	Second Reading
	Third Reading Final Passage	15	5555-S	Second Reading
5298	Second Reading.....	14		Third Reading Final Passage.....
5298-S	Second Reading.....	14	5576	Second Reading
	Third Reading Final Passage	14	5576-S	Second Reading
5300	Second Reading.....	6		Third Reading Final Passage.....
5300-S	Second Reading.....	6	5590	Second Reading
	Third Reading Final Passage	6	5590-S	Second Reading
5343	Second Reading.....	17		Third Reading Final Passage.....
5343-S	Second Reading.....	17	5614	Second Reading
	Third Reading Final Passage	17	5614-S	Second Reading
5359	Second Reading.....	21		Third Reading Final Passage.....
5359-S	Second Reading.....	21	5631	Second Reading
	Third Reading Final Passage	21		Third Reading Final Passage.....
5374	Second Reading.....	18	5638	Second Reading
5374-S	Second Reading.....	18		Third Reading Final Passage.....
	Third Reading Final Passage	18	5691	Second Reading
5423	Second Reading.....	5	5691-S	Second Reading
5423-S	Second Reading.....	5		Third Reading Final Passage.....
	Third Reading Final Passage	6	5695	Second Reading
5452	Second Reading.....	6	5695-S	Second Reading
5452-S	Second Reading.....	6		Third Reading Final Passage.....
	Third Reading Final Passage	6	5730	Second Reading
5463	Second Reading.....	6		Third Reading Final Passage.....

Other Action	34	Second Reading	17
Second Reading	33	5800-S	
Third Reading Final Passage	34	Second Reading	17
5730-S		Third Reading Final Passage	17
Other Action	33	5849	
5731		Second Reading	22
Other Action	11	Third Reading Final Passage	22
Second Reading	11	8206	
Third Reading Final Passage	12	Second Reading	7
5741		Third Reading Final Passage	7
Second Reading	8	8629	
5741-S		Adopted	12
Second Reading	8	Introduced	12
Third Reading Final Passage	8	9012 Marty Brown	
5748		Confirmed	5
Second Reading	18	9083 Robert Ozuna	
5748-S		Confirmed	5
Other Action	20	9092 Margaret Rojas	
Second Reading	18	Confirmed	14
Third Reading Final Passage	20	9102 Albert Shen	
5749		Confirmed	13
Second Reading	14	PRESIDENT OF THE SENATE	
5749-S		Intro. Special Guests, Sheriff Williams Cummings	12
Second Reading	14	Reply by the President	32, 33
Third Reading Final Passage	15	WASHINGTON STATE SENATE	
5785		Point of Inquiry, Senator Hargrove	7
Second Reading	10	Point of Inquiry, Senator Roach	16
5785-S		Point of Order, Senator Benton	33
Second Reading	10	Point of Order, Senator Eide	32
Third Reading Final Passage	10	Point of Order, Senator Stevens	7
5800		Remarks by Senator Eide	33