

THIRTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 13, 2012

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Keiser, Kline and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Olivia McAuliffe and Mickey Cao, presented the Colors. Senator Regala offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2319,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2337,

HOUSE BILL NO. 2474.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2012

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2152,

SECOND SUBSTITUTE HOUSE BILL NO. 2170,

SECOND SUBSTITUTE HOUSE BILL NO. 2211,

SUBSTITUTE HOUSE BILL NO. 2254,

HOUSE BILL NO. 2346,

SUBSTITUTE HOUSE BILL NO. 2395,

SECOND SUBSTITUTE HOUSE BILL NO. 2452,

SUBSTITUTE HOUSE BILL NO. 2503,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2586,

SUBSTITUTE HOUSE BILL NO. 2640,

SECOND SUBSTITUTE HOUSE BILL NO. 2717,

SUBSTITUTE HOUSE BILL NO. 2736,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2012

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2177,

HOUSE BILL NO. 2179,

SUBSTITUTE HOUSE BILL NO. 2407,

SUBSTITUTE HOUSE BILL NO. 2421.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6595 by Senators Ericksen, Stevens, Hatfield and Hobbs

AN ACT Relating to establishing volumetric taxes imposed upon liquor sales; amending RCW 82.08.150; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1253 by House Committee on Judiciary (originally sponsored by Representatives Fitzgibbon, Rivers, Pedersen and Rodne)

AN ACT Relating to revising the uniform interstate family support act; amending RCW 26.21A.010, 26.21A.015, 26.21A.020, 26.21A.100, 26.21A.110, 26.21A.115, 26.21A.125, 26.21A.130, 26.21A.135, 26.21A.140, 26.21A.150, 26.21A.200, 26.21A.215, 26.21A.220, 26.21A.225, 26.21A.230, 26.21A.235, 26.21A.245, 26.21A.250, 26.21A.260, 26.21A.275, 26.21A.280, 26.21A.285, 26.21A.290, 26.21A.350, 26.21A.415, 26.21A.420, 26.21A.430, 26.21A.500, 26.21A.505, 26.21A.510, 26.21A.515, 26.21A.520, 26.21A.525, 26.21A.530, 26.21A.535, 26.21A.540, 26.21A.545, 26.21A.550, and 26.21A.570; adding new sections to chapter 26.21A RCW; repealing RCW 26.21A.105, 26.21A.145, and 26.21A.600; and providing a contingent effective date.

Referred to Committee on Human Services & Corrections.

ESHB 1256 by House Committee on Business & Financial Services (originally sponsored by Representative Appleton)

AN ACT Relating to body art, body piercing, and tattooing; amending RCW 18.300.010, 18.300.020, 18.300.030, 18.300.050, 18.300.060, 18.300.070, 18.300.090, and 18.300.130; and adding new sections to chapter 18.300 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1518 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Reykdal and Kenney)

AN ACT Relating to pretax payroll deductions for qualified transit and parking benefits; and amending RCW 41.04.230.

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

SHB 1552 by House Committee on Judiciary (originally sponsored by Representative Goodman)

AN ACT Relating to garnishment; amending RCW 6.27.010, 6.27.090, 6.27.100, 6.27.340, 6.27.110, 6.27.140, 6.27.140, 6.27.150, 6.27.190, 6.27.200, 6.27.250, 6.27.330, 6.27.350, 6.27.360, 6.27.370, 2.10.180, 2.12.090, 41.20.180, 41.28.200, 41.34.080, 41.35.100, 41.37.090, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 41.32.052 and 41.26.053; adding a new section to chapter 6.27 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

ESHB 1983 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan and Nealey)

AN ACT Relating to increasing fee assessments for prostitution and trafficking crimes and requiring sex offender registration for second and subsequent convictions of promoting prostitution in the first or second degree; amending RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SHB 2010 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Bailey)

AN ACT Relating to title insurance rate filings; amending RCW 48.03.010, 48.03.060, and 42.56.400; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.29 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 2205 by Representatives Billig, Zeiger, Fitzgibbon, Hudgins, Hunt, Green, Sells, McCoy, Maxwell, Probst, Jinkins, Pettigrew, Darneille, Eddy, Upthegrove, Hope, Ormsby, Blake, Miloscia, Hansen, Goodman, Carlyle, Kagi, Van De Wege, Pedersen, Tharinger, Kenney, Orwall, Moeller, Wylie, Appleton, Ladenburg, Lytton, Reykdal, Stanford, Pollet and Hasegawa

AN ACT Relating to voter registration for sixteen and seventeen year olds; amending RCW 29A.08.210, 29A.08.330, and 46.20.155; adding a new section to chapter 29A.08 RCW; creating a new section; and providing an effective date.

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

ESHB 2228 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Appleton, Reykdal, Stanford, Ryu, Maxwell, Pollet, Ormsby, Cody, Upthegrove, Roberts, Kagi, Wilcox, Ladenburg and Hasegawa)

AN ACT Relating to medication access for the uninsured; adding a new chapter to Title 69 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

HB 2232 by Representatives McCoy, Hunt, Morris, Haigh, Lytton, Billig, Appleton, Fitzgibbon, Eddy, Sells, Jinkins, Stanford, Hasegawa, Pollet, Ormsby, Wylie, Santos, Roberts and Miloscia

AN ACT Relating to establishing a government-to-government relationship between state government and federally recognized Indian tribes; and adding a new chapter to Title 43 RCW.

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

ESHB 2233 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives McCoy, Hunt, Haigh, Pedersen, Appleton, Morris, Billig, Fitzgibbon, Eddy, Sells, Tharinger, Jinkins, Hasegawa, Pollet, Wylie, Upthegrove and Roberts)

AN ACT Relating to creating a procedure for the state's retrocession of civil and criminal jurisdiction over Indian tribes and Indian country; and adding new sections to chapter 37.12 RCW.

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

HB 2280 by Representatives Moeller, Pettigrew, Blake, Clibborn, Armstrong, Goodman, Hasegawa, Fitzgibbon, Carlyle, Orcutt, Maxwell, Dickerson, Pollet, Tharinger and Pearson

AN ACT Relating to establishing a yellow dot program for motor vehicles; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SHB 2326 by House Committee on Environment (originally sponsored by Representatives Jinkins, Ladenburg, Darneille, Fitzgibbon, Upthegrove, Seaquist, Moscoso, Green, Kagi, Billig, Tharinger, Pollet, Wylie, Reykdal, McCoy, Eddy, Hunt and Lytton)

AN ACT Relating to protecting air quality that is impacted by high emitting solid fuel burning devices; amending RCW 70.94.473 and 70.94.477; adding a new section to chapter 70.94 RCW; and providing an expiration date.

Referred to Committee on Environment.

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

SHB 2349 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Billig, Short, Hinkle, Upthegrove, Fitzgibbon and McCune)

AN ACT Relating to personal vehicle sharing programs; adding a new chapter to Title 48 RCW; and creating a new section.

AN ACT Relating to the management of beavers; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

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

SHB 2389 by House Committee on Ways & Means (originally sponsored by Representative Orcutt)

AN ACT Relating to modifying the submission dates for economic and revenue forecasts; amending RCW 82.33.020; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2352 by House Committee on Higher Education (originally sponsored by Representatives Reykdal, Fitzgibbon, Zeiger, Kenney, Maxwell, Haler, Green, Jinkins, Sells, Moscoso, Ormsby, Pollet, Billig, Anderson, Probst, Lytton, Wylie, Ladenburg, Kelley, Angel and Hunt)

HB 2442 by Representatives Bailey and Cody

AN ACT Relating to institutions of higher education services and activities fees; amending RCW 28B.15.045; and creating a new section.

AN ACT Relating to clarifying when evidence of insurability may be required for medicare supplement insurance policies; and amending RCW 48.66.045.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Higher Education & Workforce Development.

HB 2456 by Representatives Chandler, Blake and Fagan

ESHB 2361 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Bailey, Kelley, Parker, Rivers, Buys, Blake, Hurst, Condotta and Pollet)

AN ACT Relating to information regarding agriculture and livestock; and amending RCW 42.56.380.

AN ACT Relating to usage-based automobile insurance and exempting certain usage-based insurance information from public inspection; amending RCW 48.19.040 and 42.56.400; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Agriculture, Water & Rural Economic Development.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 2457 by Representatives Kirby and Bailey

AN ACT Relating to specialty producer licenses; amending RCW 48.120.005, 48.120.010, 48.120.015, and 48.120.020; and reenacting and amending RCW 48.17.170.

ESHB 2366 by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Bailey, McCune, Jinkins, Upthegrove, Maxwell, Ladenburg, Kenney, Van De Wege and Darneille)

Referred to Committee on Financial Institutions, Housing & Insurance.

AN ACT Relating to requiring certain health professionals to complete education in suicide assessment, treatment, and management; adding a new section to chapter 43.70 RCW; and creating new sections.

SHB 2458 by House Committee on Ways & Means (originally sponsored by Representatives Armstrong, Ross and Johnson)

AN ACT Relating to the existing authority to impose a sales and use tax for public facilities districts by providing flexibility in the submittal of the sales and use tax to voters by distressed public facilities districts; amending RCW 82.14.048; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Ways & Means.

HB 2370 by Representatives Billig, Jinkins, Cody, Lias, Fitzgibbon, Green, Lytton, Ryu, Moscoso, Ladenburg, Maxwell, Tharinger, Finn, Pedersen, Reykdal, Hansen, Hunt, Ormsby, Clibborn, Moeller, Kenney and Santos

ESHB 2473 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Johnson, Van De Wege, Ryu and Roberts)

AN ACT Relating to including health in the state transportation system policy goals; amending RCW 47.04.280; and creating a new section.

AN ACT Relating to creating a medication assistant endorsement for certified nursing assistants who work in nursing homes; amending RCW 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.120, 18.88A.130, 18.88A.150, and 18.130.040; reenacting and amending RCW 18.88A.020; adding a new section to chapter 18.88A RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2384 by House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins, Bailey, Kirby, Condotta, Pedersen, Ryu, Fitzgibbon, Moscoso, Stanford, Upthegrove, Billig, Lias and Ladenburg)

Referred to Committee on Health & Long-Term Care.

ESHB 2502 by House Committee on Ways & Means (originally sponsored by Representatives Hansen and Appleton)

AN ACT Relating to modifying exceptions to the compensating tax provisions for removal from forest land classification to more closely parallel open space property tax provisions; amending RCW 84.33.145; and reenacting and amending RCW 84.33.140.

Referred to Committee on Ways & Means.

HB 2523 by Representatives Bailey, Cody and Kirby

AN ACT Relating to insurers and insurance products; amending RCW 4.28.080, 48.05.440, 48.06.040, 48.17.010, 48.38.010, 48.38.020, 48.38.050, 48.43.310, 48.85.010, 48.85.020, 48.125.050, 48.17.380, 43.70.235, 48.20.435, 48.43.018, 48.44.215, 48.46.325, 48.43.530, 48.43.535, 48.46.030, 48.46.040, 48.41.110, and 48.43.510; reenacting and amending RCW 48.43.005 and 48.46.020; and repealing RCW 48.19.450.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2553 by House Committee on Transportation (originally sponsored by Representatives Moscoso, Lias, Uptegrove, Fitzgibbon, Reykdal, Billig, Sells, Appleton, Ryu and Roberts)

AN ACT Relating to nonvoting labor members of public transportation governing bodies; and amending RCW 35.58.270, 36.57.030, and 36.57A.050.

Referred to Committee on Transportation.

ESHB 2567 by House Committee on Local Government (originally sponsored by Representative Fitzgibbon)

AN ACT Relating to authorizing an optional system of rates and charges for conservation districts; adding a new section to chapter 89.08 RCW; and declaring an emergency.

Referred to Committee on Agriculture, Water & Rural Economic Development.

ESHB 2592 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts, Haler, Carlyle, Hinkle, Reykdal, Pettigrew, Walsh, Wylie, Kagi, Darneille, Kelley, Kenney and Tharinger)

AN ACT Relating to extended foster care services; amending RCW 74.13.680 and 13.34.267; reenacting and amending RCW 74.13.031; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2601 by House Committee on Transportation (originally sponsored by Representatives Eddy, Lias, Ryu, Ladenburg and Moscoso)

AN ACT Relating to improving public transit through the creation of transit service overlay zones; amending RCW

47.80.023 and 36.70A.080; adding a new section to chapter 47.80 RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 2608 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Orwall, Sullivan, Haigh, Maxwell, Kenney and Tharinger)

AN ACT Relating to adopting early learning guidelines; reenacting and amending RCW 43.215.020; and adding a new section to chapter 28A.655 RCW.

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

SHB 2617 by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Anderson and Haigh)

AN ACT Relating to school district financial insolvency; amending RCW 28A.315.025, 28A.315.065, 28A.315.095, 28A.315.195, 28A.315.205, 28A.315.215, 28A.315.225, 28A.315.265, 28A.315.285, 28A.315.305, 28A.315.315, 28A.343.040, 84.09.030, 84.52.053, 39.64.040, 28A.400.300, and 28A.645.010; adding new sections to chapter 28A.315 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2643 by Representatives Green, Hinkle, Dickerson, Springer, Goodman and Moeller

AN ACT Relating to purchase of care in institutions for mental diseases; and amending RCW 74.09.120.

Referred to Committee on Human Services & Corrections.

HB 2651 by Representatives Springer, Chandler, Blake, Uptegrove and Wilcox

AN ACT Relating to changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit; amending RCW 90.48.555; and providing an expiration date.

Referred to Committee on Environment.

SHB 2668 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Hurst and Kelley)

AN ACT Relating to adopting the unanimous recommendations of the bail practices work group created in section 2, chapter 256, Laws of 2010; amending RCW 10.19.090, 10.19.100, 10.19.160, 18.185.010, 18.185.040, 18.185.070, 18.185.100, and 18.185.110; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Judiciary.

ESHB 2692 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Uptegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson and Kenney)

APPOINTMENT OF GRETCHEN SORENSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9264, Gretchen Sorensen as a member of the Board of Trustees, The Evergreen State College.

AN ACT Relating to the reduction of the commercial sale of sex; amending RCW 9A.88.120, 9A.88.130, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9264, Gretchen Sorensen as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 42; Nays, 3; Absent, 3; Excused, 1.

Referred to Committee on Judiciary.

HB 2698 by Representatives Kelley and Rivers

AN ACT Relating to notice given to owners of life insurance policies about alternative transactions; and amending RCW 48.102.100.

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

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2725 by Representative Ryu

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.030, 47.06B.050, and 47.06B.901; and reenacting and amending RCW 47.06B.020.

Voting nay: Senators Baumgartner, Carrell and Padden
Absent: Senators Benton, Keiser and Kline
Excused: Senator Stevens

Referred to Committee on Transportation.

Gubernatorial Appointment No. 9264, Gretchen Sorensen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SHB 2748 by House Committee on Ways & Means (originally sponsored by Representatives Fitzgibbon, Anderson and Hasegawa)

MOTION

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

On motion of Senator Ericksen, Senator Benton was excused.

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

MOTION

At 9:15 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

MOTION

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

The Senate was called to order at 10:35 a.m. by President Owen.

SECOND READING

MOTION

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

SENATE BILL NO. 6218, by Senators Frockt, Chase, Kline, Harper, Pflug and Hobbs

Concerning escrow licensing requirement exceptions relating to the practice of law.

MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

The measure was read the second time.

MOTION

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 6218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9264, Gretchen Sorensen, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6218.

ROLL CALL

Senator Fraser spoke in favor of the motion.

The Secretary called the roll on the final passage of Senate Bill No. 6218 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Stevens

SENATE BILL NO. 6218, 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. 6175, by Senators Pridemore, Swecker, Prentice, Shin, Sheldon, Kline and Chase

Establishing a government-to-government relationship between state government and federally recognized Indian tribes.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6175.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6175 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Ericksen, Holmquist Newbry, Honeyford, Padden and Stevens

SENATE BILL NO. 6175, 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. 6507, by Senators Hewitt, Kilmer, Swecker, Shin and Roach

Establishing the Walla Walla state veterans' home.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6507 was substituted for Senate Bill No. 6507 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6507 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Keiser

SUBSTITUTE SENATE BILL NO. 6507, 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. 6295, by Senator Morton

Modifying certain exchange facilitator requirements. Revised for 1st Substitute: Modifying certain exchange facilitator requirements and penalties.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6295 was substituted for Senate Bill No. 6295 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. 6295 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. 6295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 6295, 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. 6211, by Senators Ranker, Litzow, Fain, Hargrove, Kilmer, Hill, Nelson, Keiser and Conway

Accelerating cleanup of hazardous waste sites.

MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 14, after line 14, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 70.105D RCW to read as follows:

(1) The brownfield redevelopment trust fund account is created in the state treasury. All receipts from the sources identified in subsection (2) of this section may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the brownfield redevelopment trust fund account:

(a) Moneys appropriated by the legislature to the account for a specific redevelopment opportunity zone established under section 5 of this act or a specific brownfield renewal authority established under section 6 of this act;

(b) Moneys voluntarily deposited in the account for a specific redevelopment opportunity zone or a specific brownfield renewal authority; and

(c) Receipts from settlements or court orders that direct payment to the account for a specific redevelopment opportunity zone to resolve a person's liability or potential liability under this chapter.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(c) of this section into the brownfield redevelopment trust fund account, then the receipts from any payment to the state must be deposited into the state toxics control account established under RCW 70.105D.070.

(4) Expenditures from the brownfield redevelopment trust fund account may only be used for the purposes of remediation and cleanup at the specific redevelopment opportunity zone or specific brownfield renewal authority for which the moneys were deposited in the account.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) The account must retain its interest earnings in accordance with RCW 43.84.092.

(7) The local government designating the redevelopment opportunity zone under section 5 of this act or the associated brownfield renewal authority created under section 6 of this act must be the beneficiary of the deposited moneys.

(8) All expenditures must be used to conduct remediation and cleanup consistent with a plan for the remediation and cleanup of the properties or facilities approved by the department under this

chapter. All expenditures must meet the eligibility requirements for the use by local governments under the rules for remedial action grants adopted by the department under this chapter, including requirements for the expenditure of nonstate match funding.

(9) Beginning October 31, 2012, the department must provide a biennial report to the office of financial management and the legislature regarding the activity for each specific redevelopment opportunity zone or specific brownfield renewal authority for which specific legislative appropriation was provided in the previous two fiscal years.

(10) After the department determines that all remedial actions within the redevelopment opportunity zone identified in the plan approved under subsection (8) of this section are completed, including payment of all cost reasonably attributable to the remedial actions and cleanup, any remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(11) If the department determines that substantial progress has not been made on the plan approved under subsection (8) of this section for a redevelopment opportunity zone or specific brownfield renewal authority for which moneys were deposited in the account within six years, or that the brownfield renewal authority is no longer a viable entity, then all remaining moneys must be transferred to the state toxics control account established under RCW 70.105D.070.

(12) The department is authorized to adopt rules to implement this section.

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

On page 15, line 35, after "been made" insert "on the plan approved under section 4 of this act"

On page 34, after line 5, insert the following:

"Sec. 10. RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s. c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multiagency permitting team account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and

sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

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

Senator Murray 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 Murray and Ranker on page 14, after line 14 to Second Substitute Senate Bill No. 6211.

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

POINT OF INQUIRY

Senator Delvin: "Would Senator Murray yield to a question? Just having seen this amendment on the desk I'm trying to figure, so, is it totally appropriated from the general fund and not any other account like MOTCA [Model Toxics Control Account] or anything like that?"

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

Senator Murray: "Thank you Senator Delvin. The bill as it came to Ways & Means actually establish an ongoing finance or funding source. In Ways & Means we took that out. In this amendment we add the account back in but we make it subject to appropriations in the budget."

MOTION

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

On page 1, line 3 of the title, after "70.105D.070" insert "and 43.84.092"

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6211, 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. 6486, by Senators Kohl-Welles, Conway, Chase, Keiser, Harper, Prentice, Nelson, Pridemore, Kline, Murray and Frockt

Granting collective bargaining for postdoctoral researchers at certain state universities.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6486 was substituted for Senate Bill No. 6486 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

" NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to postdoctoral and clinical employees as excluded in RCW 41.76 at the University of Washington and at Washington State University."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others to Substitute Senate Bill No. 6486.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

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

On page 1, line 2 of the title, after "universities;", strike "amending RCW 41.76.005;"

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Schoesler and Holmquist Newbry spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6486.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6486 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, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Tom

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6486, 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. 6486 was immediately transmitted to the House of Representatives.

MOTION

At 11:19 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:12 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6340, by Senators Sheldon, King, Haugen, McAuliffe and Schoesler

Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Harper, Senators Hobbs, Kastama and Tom were excused.

MOTION

On motion of Senator Ericksen, Senators Benton, Roach, Stevens, Swecker and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6340 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Pridemore

Excused: Senators Hobbs, Stevens and Swecker

SENATE BILL NO. 6340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Pridemore was excused.

SECOND READING

SENATE BILL NO. 6312, by Senators Haugen, Hobbs, Honeyford, Hatfield, Hargrove and Shin

Promoting job creation by ensuring access to human domestic water for home construction.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 6312 was substituted for Senate Bill No. 6312 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the water resources act of 1971, chapter 90.54 RCW, contains a list of water policy fundamentals that are to guide the state's water management agency in adopting basin rules to allocate the water resources of the state. In effect since 1971, the unprioritized list of water policy fundamentals include: (a) The allocation of water among potential uses and users is to be based on securing the maximum net benefits to the state; and (b) that adequate supplies of water are to be preserved and protected to satisfy domestic needs. The legislature finds that ready access to sufficient water to fulfill domestic needs has been and continues to be a fundamental public value. The legislature finds that some basin rules adopted or amended after 2006 for areas in the state with moderate to heavy rainfall do not provide adequate water to fulfill the directive of providing adequate water to satisfy domestic needs in rural areas, and instead constrain water use more restrictively than in other basins with similar conditions and levels of precipitation.

(2) Further, the legislature finds that state and local governments have established and funded a vast array of environmental and habitat improvement and acquisition programs and that these programs can and should provide environmental, habitat, and instream flow benefits where needed. The legislature acknowledges that the availability of state and local funding for these environmental and habitat programs is dependent on the tax revenues generated by the home construction industry and that available funding has dropped as home construction has declined dramatically in recent years.

(3) The purpose of this legislation is to promote reasonable use by the public of the public's water to ensure that sufficient water to serve essential domestic needs be readily available for homes in rural areas where public water service is not readily available. An additional purpose of this legislation is to encourage jobs in, and stimulus to, the home construction industry, in order to produce revenues to support state and local governmental programs and services, including environmental and habitat improvements funded by state and local governments.

(4) The legislature finds that the Columbia river basin water supply program, chapter 90.90 RCW, has provided a successful model to addressing the needs of both instream and out-of-stream water needs in that basin. It is the intent of the legislature to establish a similar approach to addressing water supply needs in rural areas within the Skagit river basin.

(5) For the reasons stated in this section, the intent of the legislature is for this act to be remedial in nature and apply retroactively and prospectively to basin rules adopted or amended under chapters 90.22 and 90.54 RCW after January 1, 2006, for the Skagit river basin. It is also the intent of the legislature for this act to allow people in rural areas in the Skagit river basin to move

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

forward with construction of their homes in a manner that is sufficiently protective of instream resources and water right holders. It is also the intent of the legislature to provide funding for more coordinated and effective mechanism to protect and, where possible, enhance impacts to stream flows for fish.

Sec. 2. RCW 90.54.120 and 1971 ex.s. c 225 s 13 are each amended to read as follows:

For the purposes of this chapter, unless the context is clearly to the contrary, the following definitions shall be used:

(1) "Department" means department of ecology.

(2) "Domestic water use" means potable water to satisfy the needs of a household, including water used for drinking, bathing, sanitary purposes, cooking, laundering, watering a lawn and noncommercial garden, care of household pets, and other incidental uses.

(3) "Skagit river basin" means water resource inventory areas numbers 3 and 4 established under chapter 173-500 WAC.

(4) "Utilize" or "utilization" shall not only mean use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes, but includes the retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes, upon which economic values have not been placed historically and are difficult to quantify.

Sec. 3. RCW 90.54.020 and 2007 c 445 s 8 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, ~~and local governments~~~~((, and planning units formed under section 107 or 108 of this act))~~ shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5)(a) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy ~~((human))~~ domestic water use needs.

(b) Rules adopted by the department under this chapter for the Skagit river basin may not constrain new groundwater withdrawals for domestic uses to less than three hundred fifty gallons per day per dwelling unit, if the dwelling utilizes an on-site septic system and a water supply from a public water system cannot be provided pursuant to RCW 43.20.260.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups, and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. The department may list or quantify by water resource inventory area the instream flow, groundwater recharge, and fish habitat improvements that result from investments by federal, state, and local governments in tax-supported programs. The department may apply for funding from state and federal sources for projects and activities that enhance flow and habitat conditions in rivers and streams to address areas of concern including those that arise from the use of water authorized under subsection (5)(b) of this section.

(8)(a) Funding provided to the department's water acquisition program to offset impacts to stream flows in rural areas, including those that result from subsection (5)(b) of this section, must be used to protect, and where possible enhance, instream flows in rural areas by acquiring water rights, incentivizing water conservation, and low impact development practices, and promoting any other instream flow enhancement projects, including but not limited to collection, retention, and release of rainwater, constructing ponds, wetlands, and other water impoundments, and storm water infiltration.

(b) The department shall permanently dedicate water developed or acquired for the purposes in (a) of this subsection to the state's trust water rights program, chapter 90.42 RCW. The department shall give preference to instream flow improvement proposals in the Skagit river basin.

(9) In addition to traditional development approaches, improved water use efficiency, conservation, and use of reclaimed water shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. Use of reclaimed water shall be encouraged through state and local planning and programs with incentives for state financial assistance recognizing programs and plans that encourage the use of conservation and reclaimed water use, and state agencies shall

continue to review and reduce regulatory barriers and streamline permitting for the use of reclaimed water where appropriate.

~~((8))~~ (10) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

~~((9))~~ (11) Proper and pragmatic recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and groundwaters including: (a) Providing recognition for the recharge of groundwaters by home septic systems for indoor water uses; and (b) providing recognition that there are widely varying degrees of potential impact to surface water from groundwater withdrawals that are generally less than a one-to-one ratio depending on a number of factors including, but not limited to, the geology and porosity of underground formations, well depth, withdrawing water from deeper aquifers rather than shallow aquifers, distance of the well from surface water bodies, season of use, rainfall, and temperature.

~~((4))~~ (12) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

~~((4))~~ (13) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Sec. 4. RCW 90.54.050 and 1997 c 439 s 2 and 1997 c 32 s 3 are each reenacted and amended to read as follows:

(1)(a) In conjunction with the programs provided for in RCW 90.54.040(1), whenever it appears necessary to the director in carrying out the policy of this chapter, the department may by rule adopted pursuant to chapter 34.05 RCW:

~~((4))~~ (i) Reserve and set aside waters for beneficial utilization in the future, and

~~((2))~~ (ii) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

(b) In reserving and setting aside water in accordance with (a)(i) of this subsection, and in withdrawing waters of the state from additional appropriation under this title, any action under this section shall be consistent with the directive in RCW 90.54.020(5)(b). Before proposing the adoption of rules to withdraw waters of the state from additional appropriation, the department shall consult with the standing committees of the house of representatives and the senate having jurisdiction over water resource management issues.

(2) Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW 34.05.240.

NEW SECTION. Sec. 5. A new section is added to chapter 90.44 RCW to read as follows:

(1) Each parcel of property that is located within the Skagit river basin is entitled to a withdrawal of public groundwater for domestic uses in an amount not less than three hundred fifty gallons per day per dwelling unit, if the dwelling utilizes an on-site septic system and a water supply from a public water system cannot be provided pursuant to RCW 43.20.260, and, to the extent it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter.

(2) Nothing in chapter . . . , Laws of 2012 (this act) is intended to alter, limit, impair, or amend the ability to withdraw water otherwise allowed under the exemption provided in RCW 90.44.050.

NEW SECTION. Sec. 6. A new section is added to chapter 90.54 RCW to read as follows:

(1) Each parcel of property that is located within the Skagit river basin is entitled to a withdrawal of public groundwater for domestic uses in an amount not less than three hundred fifty gallons per day per dwelling unit, if the dwelling utilizes an on-site septic system and a water supply from a public water system cannot be provided pursuant to RCW 43.20.260, and, to the extent it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of chapter 90.44 RCW.

(2) Nothing in chapter . . . , Laws of 2012 (this act) is intended to alter, limit, impair, or amend the ability to withdraw water otherwise allowed under the exemption provided in RCW 90.44.050.

Sec. 7. RCW 19.27.097 and 2010 c 271 s 302 are each amended to read as follows:

(1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(b) For building permits in the Skagit river basin, for single-family dwellings that will utilize an on-site septic system and where water supply from a public water system cannot be provided pursuant to RCW 43.20.260, the applicant satisfies the requirement to show that water is legally available by submitting a signed declaration of intent to comply with RCW 90.54.020(5)(b). In addition, the local jurisdiction may require proof that water is physically available and that it meets applicable drinking water quality standards.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of ~~(general administration)~~ enterprise services to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

NEW SECTION. Sec. 8. Sections 3(5) and 4(3) of this act apply retroactively to January 1, 2001, as well as prospectively."

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

MOTION

On motion of Senator Holmquist Newbry, Senator Ericksen was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen and others to Substitute Senate Bill No. 6312.

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

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

MOTION

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

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "domestic water for home construction; amending RCW 90.54.120, 90.54.020, and 19.27.097; reenacting and amending RCW 90.54.050; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.54 RCW; and creating new sections."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen 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. 6312.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Kastama, Kilmer, King, Kline, Litzow, McAuliffe, Morton, Padden, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Harper, Holmquist Newbry, Keiser, Kohl-Welles, Murray, Nelson and Rolfes

Excused: Senators Ericksen, Pridemore and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6312, 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. 6566, by Senators Litzow and Hobbs

Adjusting when a judgment lien on real property commences.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow 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. 6566.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Ericksen and Stevens

SENATE BILL NO. 6566, 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. 6079, by Senators Schoesler, Fraser, Kohl-Welles, Carrell, Murray and Shin

Exempting officers and employees of the Washington state institute for public policy from state civil service law.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 6079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Fraser 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. 6079.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6079 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Hargrove

Excused: Senator Stevens

SENATE BILL NO. 6079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Hargrove was excused.

SECOND READING

SENATE BILL NO. 5217, by Senators Shin, White, Nelson, Sheldon, Murray, Delvin, Rockefeller, Harper, Kline, Keiser, Conway, Chase, Eide and Fraser

Allowing appointment of student members on the boards of trustees of community colleges.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5217 was substituted for Senate Bill No. 5217 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin 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. 5217.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5217 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Baumgartner, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Frockt, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes, Sheldon, Shin and Tom

Voting nay: Senators Becker, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Pflug, Schoesler, Swecker and Zarelli

Excused: Senators Hargrove and Stevens

SUBSTITUTE SENATE BILL NO. 5217, 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. 6468, by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway and Shin

Requiring state research universities to adopt policies governing investment of university funds, consistent with the uniform prudent management of institutional funds act, and requiring annual investment performance reports. Revised for 1st Substitute: Requiring state research universities to adopt policies governing investment of university funds.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 6468 was substituted for Senate Bill No. 6468 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. 6468 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. 6468.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6468 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Chase and Nelson

Excused: Senator Stevens

SUBSTITUTE SENATE BILL NO. 6468, 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 JOINT RESOLUTION NO. 8223, by Senators Kilmer, Schoesler, Tom, Murray, Harper, Conway, Shin and McAuliffe

Amending the Constitution to provide clear authority to state research universities to invest funds as authorized by law, including investment in stocks or bonds issued by any company.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Joint Resolution No. 8223 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Kilmer spoke in favor of passage of the resolution.

MOTION

On motion of Senator Swecker, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8223.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8223 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Baumgartner and Ericksen

Excused: Senators Parlette and Stevens

SENATE JOINT RESOLUTION NO. 8223, having received the constitutional majority, was declared passed.

SECOND READING

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

SENATE BILL NO. 6109, by Senators Pridemore, Swecker and Prentice

Exempting video and audio recordings of closed executive session meetings from public inspection and copying.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Pflug 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. 6109.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6109 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

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

Voting nay: Senators Baumgartner, Ericksen, Harper, Hatfield, Morton, Padden, Rolfes, Sheldon and Zarelli

Excused: Senator Stevens

SENATE BILL NO. 6109, 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. 6385, by Senators Parlette, Fraser, Morton, Ranker and Shin

Extending the tenure of the habitat and recreation lands coordinating group.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 6385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Ranker 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. 6385.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6385 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist Newbry, Honeyford and Padden

Excused: Senator Stevens

SENATE BILL NO. 6385, 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. 6494, by Senators Hargrove, Stevens, Regala and Carrell

Improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance of a bench warrant at an initial truancy status hearing, and modifying school district reporting requirements after the court assumes jurisdiction in a truancy case.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6494 was substituted for Senate Bill No. 6494 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. 6494 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.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Conway, Eide, Ericksen, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Chase, Delvin, Fain, Hill, Holmquist Newbry, Honeyford, Kohl-Welles, Litzow, Padden, Prentice, Roach, Schoesler and Zarelli

Excused: Senator Stevens

SUBSTITUTE SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Harper, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5620, by Senators Becker, Keiser and Parlette

Requiring the certification of dental anesthesia assistants.

MOTION

On motion of Senator Becker, Second Substitute Senate Bill No. 5620 was substituted for Senate Bill No. 5620 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 3, line 10, after "infusion" insert "only to maintain or keep the line patent or open"

On page 3, line 16, after "(c)" insert "Adjust the rate of intravenous fluids infusion beyond a keep open rate;

(d)"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

Senator Becker spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Fraser, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Keiser on page 3, line 10 to Second Substitute Senate Bill No. 5620.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senator Prentice

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5620, 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. Revised for 1st Substitute: Removing obsolete provisions in statutes administered by the department of agriculture.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5631 was substituted for Senate Bill No. 5631 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute 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 Substitute Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on the final passage of Substitute 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, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Padden, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE 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

SENATE BILL NO. 6240, by Senators Regala, Hargrove, Kline, Carrell and Harper

Modifying provisions relating to orders of disposition for juveniles.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6240 was substituted for Senate Bill No. 6240 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. 6240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

Senators Regala and Carrell 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. 6240.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 6240, 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. 6455, by Senators Haugen and Shin

Addressing transportation revenue. Revised for 1st Substitute: Concerning transportation revenue.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6455 was substituted for Senate Bill No. 6455 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, after line 12, insert the following:

"**Sec. 2.** RCW 46.16A.200 and 2011 c 171 s 46 are each amended to read as follows:

(1) **Design.** All license plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures. License plates:

(a) May vary in background, color, and design;

(b) Must be legible and clearly identifiable as a Washington state license plate;

(c) Must designate the name of the state of Washington without abbreviation;

(d) Must be treated with fully reflectorized materials designed to increase visibility and legibility at night;

(e) Must be of a size and color and show the registration period as determined by the director; and

(f) Before July 1, 2010, may display a symbol or artwork approved by the former special license plate review board and the legislature. Beginning July 1, 2010, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, are not required to be treated with reflectorized materials.

(3) **Dealer license plates.** License plates issued to a dealer must contain an indication that the license plates have been issued to a vehicle dealer.

(4)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:

(i) Two identical license plates each containing the license plate number; or

(ii) One license plate if the vehicle is a trailer, semitrailer, camper, moped, collector vehicle, horseless carriage, or motorcycle.

(b) The director may adopt types of license plates to be used as long as the license plates are legible.

(5)(a) **Display.** License plates must be:

(i) Attached conspicuously at the front and rear of each vehicle if two license plates have been issued;

(ii) Attached to the rear of the vehicle if one license plate has been issued;

(iii) Kept clean and be able to be plainly seen and read at all times; and

(iv) Attached in a horizontal position at a distance of not more than four feet from the ground.

(b) The Washington state patrol may grant exceptions to this subsection if the body construction of the vehicle makes compliance with this section impossible.

(6) **Change of license classification.** A person who has altered a vehicle that makes the current license plate or plates invalid for the vehicle's use shall:

(a) Surrender the current license plate or plates to the department, county auditor or other agent, or subagent appointed by the director;

(b) Apply for a new license plate or plates; and

(c) Pay a change of classification fee required under RCW 46.17.310.

(7) **Unlawful acts.** It is unlawful to:

(a) Display a license plate or plates on the front or rear of any vehicle that were not issued by the director for the vehicle;

(b) Display a license plate or plates on any vehicle that have been changed, altered, or disfigured, or have become illegible;

(c) Use holders, frames, or other materials that change, alter, or make a license plate or plates illegible. License plate frames may be used on license plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the license plates can be plainly seen and read at all times;

(d) Operate a vehicle unless a valid license plate or plates are attached as required under this section;

(e) Transfer a license plate or plates issued under this chapter between two or more vehicles without first making application to transfer the license plates. A violation of this subsection (7)(e) is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate or plates have been transferred between two or more vehicles shall confiscate the license plate or plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate or plates upon application by the owner or owners and the payment of full fees and taxes; or

(f) Fail, neglect, or refuse to endorse the registration certificate and deliver the license plate or plates to the purchaser or transferee of the vehicle, except as authorized under this section.

(8) **Transfer.** (a) Standard issue license plates follow the vehicle when ownership of the vehicle changes unless the registered owner wishes to retain the license plates and transfer them to a replacement vehicle of the same use. A registered owner wishing

to keep standard issue license plates shall pay the license plate transfer fee required under RCW 46.17.200(1)(c) when applying for license plate transfer.

(b) Special license plates and personalized license plates may be treated in the same manner as described in (a) of this subsection unless otherwise limited by law.

(c) License plates issued to the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law may be treated in the same manner as described in (a) of this subsection.

(9) **Replacement.** (a) An owner or the owner's authorized representative shall apply for a replacement license plate or plates if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed, or if one or both plates have become so illegible or are in such a condition as to be difficult to distinguish. An owner or the owner's authorized representative may apply for a replacement license plate or plates at any time the owner chooses.

(b) The application for a replacement license plate or plates must:

(i) Be on a form furnished or approved by the director; and

(ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

(c) The department shall not require the payment of any fee to replace a license plate or plates for vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty.

~~(10) **Periodic replacement.** License plates must be replaced periodically to ensure maximum legibility and reflectivity. The department shall:~~

~~(a) Use empirical studies documenting the longevity of the reflective materials used to make license plates;~~

~~(b) Determine how frequently license plates must be replaced; and~~

~~(c) Offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).~~

~~(11) **Periodic replacement Exceptions.** The following license plates are not required to be periodically replaced as required in subsection (10) of this section:~~

~~(a) Horseless carriage license plates issued under RCW 46.18.255 before January 1, 1987;~~

~~(b) Congressional Medal of Honor license plates issued under RCW 46.18.230;~~

~~(c) License plates for commercial motor vehicles with a gross weight greater than twenty six thousand pounds.~~

~~(42)) **Rules.** The department may adopt rules to implement this section.~~

~~((43)) (11) **Tabs or emblems.** The director may issue tabs or emblems to be attached to license plates or elsewhere on the vehicle to signify initial registration and renewals. Renewals become effective when tabs or emblems have been issued and properly displayed on license plates."~~

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

On page 2, beginning on line 12, after "(b)" strike all material through "(c)" on line 18 and insert "(A license plate retention fee, as required under RCW 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c)))"

On page 2, at the beginning of line 23, strike "(d)" and insert "(((44)) (c))"

On page 1, line 1 of the title, after "46.17.100," insert "46.16A.200,"

Senator Benton spoke in favor of adoption of the amendment.
Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Sheldon on page 1, after line 12 to Substitute Senate Bill No. 6455.

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

MOTION

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

On page 2, after line 35, insert the following:

"**Sec. 3.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of ~~((ten))~~ fifteen dollars, fifty percent of which must be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

Sec. 4. RCW 46.29.050 and 2010 c 8 s 9028 are each amended to read as follows:

(1) The department shall upon request furnish any person or his or her attorney a certified abstract of his or her driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the sum of ~~((ten))~~ fifteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of ~~((ten))~~ fifteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038."

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

Senator Haugen 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 Haugen and King on page 2, after line 35 to Substitute Senate Bill No. 6455.

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

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

MOTION

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

On page 1, line 2 of the title, after "46.17.200," insert "46.20.293, 46.29.050,"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen 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. 6455.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6455 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Stevens was excused.

SECOND READING

SENATE BILL NO. 6582, by Senators Haugen, Eide, Hobbs, Ranker and Shin

Concerning local transportation revenue options.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6582 was substituted for Senate Bill No. 6582 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, after line 4, strike all of section 1

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

On page 6, after line 25, strike all of sections 5 and 6

Correct any internal references accordingly.

On page 1, beginning on line 2 of the title, after "RCW" strike all material through "36.73.015" on line 3 and insert "36.73.040 and 82.80.010"

Senators Hill and Sheldon spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Sheldon on page 1, after line 4 to Substitute Senate Bill No. 6582.

The motion by Senator Hill failed and the amendment was not adopted by a rising vote.

MOTION

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

On page 4, line 14, after "schedules in" strike "RCW 82.44.035" and insert "section 8 of this act"

On page 8, after line 34, insert the following:

"POLICIES AND PURPOSES

NEW SECTION. **Sec. 7.** If politicians impose a vehicle tax based on the value of the vehicle, vehicle owners have a right to a valuation schedule based on the vehicle's purchase price and not the manufacturer's suggested retail price.

THE RIGHT TO HAVE VEHICLE TAXES BASED ON PURCHASE PRICE, NOT THE MANUFACTURER'S SUGGESTED RETAIL PRICE

NEW SECTION. **Sec. 8.** A new section is added to chapter 82.44 RCW to read as follows:

(1)(a) A motor vehicle excise tax must be calculated in an honest and accurate way. For the purpose of determining any motor vehicle excise tax otherwise authorized by law, any taxing district imposing a motor vehicle excise tax must set a vehicle's taxable value by using the depreciation schedule set forth in this section. The taxable value equals the product of a percentage based on a vehicle's year of service, as provided in subsection (2) of this section, and the latest purchase price of the vehicle. The purchase price for the first year of service must be determined by the bill of sale provided by buyer and seller, subject to the exemptions, exceptions, and definitions provided by this section, and must be affirmed by declaration by both parties.

(b) The legislature intends that this section is to ensure an honest and accurate calculation of the tax. It is further the intent of the legislature that this section, when combined with the appeal process in RCW 82.44.065, will ensure that vehicle owners are taxed fairly.

(2) For the purpose of determining the tax under this chapter, the value of a truck-type power or trailing unit, or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck must be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since its most recent sale. The year the vehicle is offered for sale as a new vehicle must be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE	MOTION
1	100	
2	75	
3	55	
4	40	
5	25	
6	10	
7 and over	5	

(3) The reissuance of title and registration for a truck-type power or trailing unit or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck because of the installation of body or special equipment must be treated as a sale, and the latest purchase price of the truck-type power or trailing unit or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck at that time, as determined by the department from such information as may be available, must be considered its base value.

(4) If the purchase price is unavailable or otherwise unascertainable or the reissuance of title and registration is the result of a gift or inheritance, the department shall determine a value equivalent to the latest purchase price by using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department must establish a value that more closely represents the average value of similar vehicles of the same year and model.

(5) For purposes of this chapter, "value" excludes value attributable to modifications of a motor vehicle and equipment that are designed to facilitate the use or operation of the motor vehicle by a person with a disability.

NEW SECTION. Sec. 9. RCW 82.44.035 (Valuation of vehicles) and 2010 c 161 s 910 & 2006 c 318 s 1 are each repealed.

Sec. 10. RCW 82.44.065 and 2010 c 161 s 912 are each amended to read as follows:

(1) If the department determines a value for a vehicle (~~equivalent to a manufacturer's base suggested retail price~~) under section 2 of this act or the value of a truck or trailer under (~~RCW 82.44.035~~) section 2 of this act, any person who pays a locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department (~~shall~~) **must** refund the excess tax in the manner provided in RCW 82.44.120.

(2) The legislature intends for this section to ensure an honest and accurate calculation of the tax.

Senators Ericksen and Schoesler spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 4, line 14 to Substitute Senate Bill No. 6582.

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

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

On page 1, line 2 of the title, after "82.80.010," strike the remainder of the title and insert "82.80.140, and 82.44.065; reenacting and amending RCW 36.73.015; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.44 RCW; creating a new section; and repealing RCW 82.44.035."

MOTION

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

On page 5, line 4, after "section" strike "~~(c)~~; (a) Any" and insert ", any"

On page 5, beginning on line 11, after "county" strike all material through "city" on line 17

On page 5, line 24, after "county" strike all material through "city"

On page 5, at the beginning of line 37, strike "city"

On page 6, line 5, after "~~(shall)~~" strike "or city"

On page 6, line 22, after "county" strike "or city"

Senator Hill spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Sheldon on page 5, line 4 to Substitute Senate Bill No. 6582.

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

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Eide and Swecker spoke in favor of passage of the bill.

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

POINT OF ORDER

Senator Benton: "I believe the member is impugning other members. I think everybody here has read the bill."

REPLY BY THE PRESIDENT

President Owen: "That might be a stretch."

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

Senator Ericksen spoke on final passage of the bill.

Senators Pflug and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6582.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hobbs, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Shin and Swecker

The Senate was called to order at 5:50 p.m. by President Owen.

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kilmer, King, Litzow, Morton, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Tom and Zarelli

SECOND READING

SENATE BILL NO. 6150, by Senators Haugen, King, Eide, Hobbs, Shin and Chase

ENGROSSED SUBSTITUTE SENATE BILL NO. 6582, 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.

Authorizing the implementation of a facial recognition matching system for drivers' licenses, permits, and identicards. Revised for 1st Substitute: Concerning the administration of a facial recognition matching system and related processes applicable to drivers' licenses, permits, and identicards.

SECOND READING

MOTION

SENATE BILL NO. 5412, by Senators Keiser, Kohl-Welles, Kline, Roach, Conway, Hobbs and Chase

On motion of Senator Haugen, Substitute Senate Bill No. 6150 was substituted for Senate Bill No. 6150 and the substitute bill was placed on the second reading and read the second time.

Providing remedies for whistleblowers in the conveyance work industry.

MOTION

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5412 was substituted for Senate Bill No. 5412 and the substitute bill was placed on the second reading and read the second time.

Senator Benton moved that the following amendment by Senators Benton, Roach and Zarelli be adopted:

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Beginning on page 1, line 8, strike all of sections 1 through 3 Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Conway, Keiser and Kohl-Welles spoke in favor of passage of the bill.

On page 9, line 28, after "**Sec. 10.**" strike "Sections 4 through 9 of this act take" and insert "This act takes"

Senators Holmquist Newbry and Honeyford spoke against passage of the bill.

On page 1, line 3 of the title, after "identicards;" strike the remainder of the title and insert "amending RCW 46.20.049, 46.20.117, 46.20.120, 46.20.161, 46.20.181, and 46.20.505; and providing an effective date."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5412.

Senators Benton and Zarelli spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

ROLL CALL

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Roach and Zarelli on page 1, line 8 to Substitute Senate Bill No. 6150.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5412 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

Voting yea: Senators Baumgartner, Brown, Chase, Conway, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Haugen, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin and Tom

MOTION

Voting nay: Senators Becker, Benton, Carrell, Delvin, Ericksen, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli

Senator Haugen moved that the following amendment by Senators Haugen, Hargrove and King be adopted:

SUBSTITUTE SENATE BILL NO. 5412, 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.

On page 2, line 31, after "system" strike "to the public or any governmental entity" and insert "((to the public or any governmental entity))"

On page 2, line 33, after "(b)" insert "to law enforcement,"

Senator Haugen spoke in favor of adoption of the amendment.

MOTION

At 3:47 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Hargrove and King on page 2, line 31 to Substitute Senate Bill No. 6150.

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

MOTION

EVENING SESSION

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

On page 2, line 32, after "order;" strike "or"

On page 2, line 33, after "(b)" insert "upon request by any state, federal, or local law enforcement agency or agency which provides public benefits; or (c)"

WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell, the amendment by Senator Carrell on page 2, line 32 to Substitute Senate Bill No. 6150 was withdrawn.

MOTION

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

On page 3, line 4, after "to" insert ": (a) Verify the accuracy of the facial recognition system by requiring applicants for a new or renewal driver's license, permit, or identicaid to also verify their identity using a valid social security number or confirmation of lawful presence of the applicant through the systematic alien verification for entitlements program administered by the United States citizenship and immigration services. If the social security number or the lawful presence of the applicant cannot be verified, the application must be denied; and (b)"

POINT OF ORDER

Senator Haugen: "Thank you Mr. President. This amendment is outside the scope and object of the underlying bill. The bill authorizes DOL to administratively operate facial recognition matching systems. It extends the period of time for the driver's license valid. It increases the fees and supports the license systems. The amendment creates a new eligibility criteria for license applicants by requiring a person to submit documents from the Federal immigration authorities to the DOT's and therefore is outside the specific purpose or object of the underlying bill. In short, the underlying bill is about DOL administrative process after a person has applied for a driver's license. It has nothing to do with eligibility criteria for license. Identify does not equal legal presence."

Senator Benton spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6150 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6046, by Senators Prentice, Delvin, Conway, Kohl-Welles, King, Shin and Chase

Addressing the powers and duties of the gambling commission.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice 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. 6046.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6046 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6046, 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.

Senator Prentice assumed the chair.

SECOND READING

SENATE BILL NO. 6010, by Senators Carrell, Roach, Becker, Conway, Schoesler, Regala, Delvin, Stevens and Shin

Concerning worker safety at state hospitals.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 6010 was substituted for Senate Bill No. 6010 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford, Carrell and Hargrove be adopted:

On page 2, after line 19 insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 10.77 RCW to read as follows:

(1) A state hospital may administer antipsychotic medication without consent to an individual who is committed under this chapter as criminally insane by following the same procedures applicable to the administration of antipsychotic medication without consent to a civilly committed patient under RCW 71.05.217, except for the following:

(a) The maximum period during which the court may authorize the administration of medication without consent under a single involuntary medication petition shall be the time remaining on the individual's current order of commitment or one hundred eighty days, whichever is shorter; and

(b) A petition for involuntary medication may be filed in either the superior court of the county that ordered the commitment or the superior court of the county in which the individual is receiving treatment, provided that a copy of any order that is entered must be provided to the superior court of the county that ordered the commitment following the hearing. The superior court of the county of commitment shall retain exclusive jurisdiction over all hearings concerning the release of the patient.

(2) The state has a compelling interest in providing antipsychotic medication to a patient who has been committed as criminally insane when refusal of antipsychotic medication would result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

there is no less intrusive course of treatment than medication in the best interest of the patient."

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Honeyford, Carrell and Hargrove on page 2, after line 19 to Substitute Senate Bill No. 6010.

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

MOTION

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

On page 1, line 1 of the title after "Relating to" strike the remainder of the title and insert "State hospitals; amending RCW 9A.36.100; adding a new section to chapter 70.48 RCW; and adding a new section to chapter 10.77 RCW."

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 6010, 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. 5190, by Senators Hobbs, Swecker, Shin and Roach

Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 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. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Benton

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ericksen, Senator Benton was excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5553, by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Roach, Pridemore and Chase)

Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites.

MOTIONS

On motion of Senator Roach, Second Substitute Senate Bill No. 5553 was substituted for Substitute Senate Bill No. 5553 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Second Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5553.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Benton

SECOND SUBSTITUTE SENATE BILL NO. 5553, 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. 5997, by Senator Hargrove

Regarding the Olympic natural resources center.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5997 was substituted for Senate Bill No. 5997 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. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5997.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SENATE BILL NO. 6133, by Senators Conway, Roach, Kohl-Welles, Nelson, Kline and Keiser

Requiring training for eligibility for certain electrician certifications.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Kohl-Welles and Keiser spoke in favor of passage of the bill.

Senators King, Holmquist Newbry, Becker, Shin and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6133.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Frockt, Hargrove, Harper, Hatfield, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach, Rolfes and Shin

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Padden, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6133, 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, Senate Bill No. 6133 was immediately transmitted to the House of Representatives on a rising vote.

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Haugen as to whether amendment 114 to Substitute Senate Bill No. 6150 fits within the scope and object of the underlying bill, the President finds and rules as follows:

Substitute Senate Bill No. 6150 sets forth a program for use of facial recognition software in the area of drivers licenses, permits, and identicards. It addresses the management of the facial recognition system, and provides for various fee increases related to those cards. It does not alter the statutory provisions for proving identity currently in statute.

The amendment by Sen. Benton introduces a new element: the use of a person's lawful presence to verify whether that person is eligible for a new or renewal card. This additional element of proving one's identity is not part of the underlying bill, nor is it an aspect of administering the facial recognition system.

Accordingly, Sen. Benton's amendment is outside the scope and object of the underlying bill, and Sen. Haugen's point of order is well taken."

The Senate resumed consideration of Substitute Senate Bill No. 6150 which had been deferred earlier in the day.

MOTION

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

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

REMARKS BY THE PRESIDENT

On page 3, line 19, after "system" insert "by: (a) Confirming that the applicant has a valid social security number; or (b) verifying the lawful presence of the applicant through the systematic alien verification for entitlements program administered by the United States citizenship and immigration services. If the lawful presence and identity of the applicant cannot be verified, the application must be denied"

President Owen: "Senator Benton, the motion before the Senate right now is a motion to suspend the rules and go to third reading and final passage. Your motion to divide the bill if it is even in order, would take place, could take place in the third reading. Are you trying to effect the motion to suspend the rules and go to third reading?"

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

POINT OF ORDER

Senator Haugen: "This amendment is also outside of the scope and object of the underlying bill for the very reasons that I gave on the other one."

Senator Benton: "Mr. President, I have no objection to bumping the bill to third reading."

REPLY BY THE PRESIDENT

RULING BY THE PRESIDENT

President Owen: "For the reasons that amendment 114 is outside the scope and object of Substitute Senate Bill No. 6150, amendment 113 is also outside the bill's scope and object. Senator Haugen's point is well taken."

President Owen: "Then let us dispose of that motion first."

MOTION

MOTION

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

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Beginning on page 3, line 26, strike all of sections 3 through 10

RULING BY THE PRESIDENT

On page 1, line 3 of the title, after "identcards;" strike the remainder of the title and insert "amending RCW 46.20.037; and adding a new section to chapter 46.04 RCW."

President Owen: "The President finds that in 2010 the President ruled on exactly this question and we have determined based on your rules, Reeds Rules and the Presidents previous ruling that a bill may not be divided into separate parts for individual consideration. Therefore your point is not well taken and the bill may not be divided."

WITHDRAWAL OF AMENDMENT

PARLIAMENTARY INQUIRY

On motion of Senator Benton, the amendment by Senators Benton and Carrell on page 1, line 3 to Substitute Senate Bill No. 6150 was withdrawn.

Senator Eide: "Just want to make sure that we are on third reading and final passage?"

MOTION

REMARKS BY THE PRESIDENT

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

President Owen: "We are on third reading and final passage. The President will take the liberty of suggesting that if you wish to have further explanation that you refer to the rule and I will have Mike and Keith reference what that rule is, I mean that ruling was. It is to the point, exactly, of this discussion and how I had ruled in the past. Ok? Senator Eide, we are on third reading and final passage."

On page 1, line 1 of the title, after "Relating to" strike all material through "identcards" on line 3 and insert "supporting the driver's license, permit, and identcard system, including the administration of a facial recognition matching system"

Senators Haugen and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6150.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and King on page 1, line 1 to Substitute Senate Bill No. 6150.

Senator Haugen spoke in favor of passage of the bill.
Senator Zarelli spoke on final passage of the bill.

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

POINT OF ORDER

MOTION

Senator Benton: "I rise for a point of order concerning rule 31. Rule 31 of the Senate Rules allows for any member of the senate to rise and ask that a question be divided. If after division of the question there is substantive portion still left to be voted on by the body. Therefore, Mr. President, under the provisions of Rule 31 of the Washington State Senate I demand the question be divided."

On motion of Senator Hatfield, Senator Murray was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

Voting nay: Senators Baumgartner, Becker, Benton, Carrell, Delvin, Ericksen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Morton, Padden, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Murray

ENGROSSED SUBSTITUTE SENATE BILL NO. 6150, 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. 6150 was immediately transmitted to the House of Representatives.

POINT OF ORDER

Senator Benton: "Thank you Mr. President. Rule number 34 of the Senate allows any member to protest an action of the senate as long as that member gives the Secretary forty-eight, notice within forty-eight hours of that action. I hereby give notice to the Secretary that I protest the action of the senate on the previous bill."

RULE 34 PROTEST REGARDING SUBSTITUTE SENATE BILL NO. 6150

"I protest the procedure surrounding the Senate floor action on Engrossed Substitute Senate Bill No. 6150. I was in support of a majority of the bill. However, a separate and distinct portion of the bill raised fees, to which I was adamantly opposed. I offered an amendment to separate the issues, but the amendment was rejected. I also made a point of order under Rule 31 to divide the question, but the point was ruled out of order. In the end, I was forced to vote against Engrossed Substitute Senate Bill No. 6150 even though I supported a large portion of it."

SENATOR BENTON, 17TH LEGISLATIVE DISTRICT

SECOND READING

SENATE JOINT RESOLUTION NO. 8222, by Senators Kastama, Tom, Rolfes, Hobbs, Hatfield, Regala, Hill, Haugen and Litzow

Requiring six-year balanced budgets.

The measure was read the second time.

MOTION

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

Beginning on page 1, line 1, strike all material through "state." on page 2, line 17 and insert the following:

"BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for

their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the state of Washington by adding a new section to read as follows:

Article VII, section . . . (1) For the 2014 fiscal year or any subsequent fiscal year, the legislature may not present to the governor for consideration, nor may the governor sign into law, an appropriations bill that would appropriate from the general fund for that fiscal year a total amount that, when combined with all appropriations from the general fund for that fiscal year made as of the date of the appropriation bill's passage and the amount of any general fund moneys to be transferred to the budget stabilization account pursuant to Article VII, section 12 of this Constitution, exceeds the prior fund balance and any general fund revenues for that fiscal year as estimated by the economic and revenue forecast council or successor entity as of the date of the budget bill's passage.

(2) For the 2014 fiscal year or any subsequent fiscal year, the legislature may not present to the governor for consideration, nor may the governor sign into law, an appropriations bill that would require for any of the subsequent three fiscal years general fund appropriations necessary to maintain estimated program and service levels either funded in that appropriations bill or mandated by other state law, of a total amount that, when combined with all projected appropriations from the general fund for that fiscal year and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of this Constitution, exceeds prior fund balances and general fund revenues for that fiscal year as estimated by the economic and revenue forecast council or successor entity as of the date of the budget bill's passage.

(3) The requirements of subsection (2) of this section do not apply in a fiscal year in which money is withdrawn and appropriated from the budget stabilization account.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senators Zarelli and Kastama 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 Zarelli and others on page 1, line 1 to Senate Joint Resolution No. 8222.

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

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Joint Resolution No. 8222 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Kastama spoke in favor of passage of the resolution. Senator Frockt spoke against the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8222.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8222 and the resolution passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Delvin, Ericksen, Fain, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry,

THIRTY SIXTH DAY, FEBRUARY 13, 2012

Honeyford, Kastama, Kilmer, King, Litzow, Morton, Padden, Parlette, Pflug, Regala, Roach, Rolfes, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Conway, Eide, Fraser, Frockt, Keiser, Kline, Kohl-Welles, McAuliffe, Nelson, Prentice, Pridemore and Ranker

Excused: Senator Murray

ENGROSSED SENATE JOINT RESOLUTION NO. 8222, having received the constitutional two-thirds, was declared passed.

SECOND READING

SENATE BILL NO. 6140, by Senators Kilmer, Becker, King, Regala, Conway, Shin and Chase

Concerning local economic development financing.

MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 6140 was substituted for Senate Bill No. 6140 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 6140 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.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6140.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brown, Chase, Conway, Delvin, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Nelson, Prentice, Pridemore, Ranker, Regala, Rolfes, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Baumgartner, Benton, Carrell, Ericksen, Hill, Holmquist Newbry, Honeyford, Padden, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Murray

SECOND SUBSTITUTE SENATE BILL NO. 6140, 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. 6165, by Senators Hargrove, Swecker, Ranker, Pridemore, Nelson, Rolfes and Shin

Creating flexible conservation futures taxing districts.
Revised for 2nd Substitute: Authorizing flexible conservation futures taxing districts.

MOTIONS

2012 REGULAR SESSION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6165 was substituted for Senate Bill No. 6165 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6165.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6165 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

Voting nay: Senators Baumgartner, Benton, Carrell, Delvin, Ericksen, Hill, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Murray

SECOND SUBSTITUTE SENATE BILL NO. 6165, 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. 5661, by Senators Nelson, Pridemore, Swecker, White, Morton and Fain

Regarding derelict fishing gear.

The measure was read the second time.

MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Nelson be adopted:

On page 3, line 6, after "within" strike "forty-eight" and insert "~~((forty eight))~~ twenty-four"

Senator Ranker 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 Ranker and Nelson on page 3, line 6 to Senate Bill No. 5661.

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

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Padden

Excused: Senator Murray

ENGROSSED SENATE BILL NO. 5661, 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 8:00 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 14, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1253-S	Introduction & 1 st Reading	1	2456	Introduction & 1 st Reading.....	3
1256-S	Introduction & 1 st Reading	1	2457	Introduction & 1 st Reading.....	3
1518-S	Introduction & 1 st Reading	2	2458-S	Introduction & 1 st Reading.....	3
1552-S	Introduction & 1 st Reading	2	2473-S	Introduction & 1 st Reading.....	3
1983-S	Introduction & 1 st Reading	2	2474	Messages	1
2010-S	Introduction & 1 st Reading	2	2502-S	Introduction & 1 st Reading.....	4
2152	Messages	1	2503-S	Messages	1
2170-S2	Messages	1	2523	Introduction & 1 st Reading.....	4
2177-S	Messages	1	2553-S	Introduction & 1 st Reading.....	4
2179	Messages	1	2567-S	Introduction & 1 st Reading.....	4
2205	Introduction & 1 st Reading	2	2586-S	Messages	1
2211-S2	Messages	1	2592-S	Introduction & 1 st Reading.....	4
2228-S	Introduction & 1 st Reading	2	2601-S	Introduction & 1 st Reading.....	4
2232	Introduction & 1 st Reading	2	2608-S	Introduction & 1 st Reading.....	4
2233-S	Introduction & 1 st Reading	2	2617-S	Introduction & 1 st Reading.....	4
2254-S	Messages	1	2640-S	Messages	1
2280	Introduction & 1 st Reading	2	2643	Introduction & 1 st Reading.....	4
2319-S2	Messages	1	2651	Introduction & 1 st Reading.....	4
2326-S	Introduction & 1 st Reading	2	2668-S	Introduction & 1 st Reading.....	4
2337-S2	Messages	1	2692-S	Introduction & 1 st Reading.....	4
2346	Messages	1	2698	Introduction & 1 st Reading.....	5
2349-S	Introduction & 1 st Reading	3	2717-S2	Messages	1
2352-S	Introduction & 1 st Reading	3	2725	Introduction & 1 st Reading.....	5
2361-S	Introduction & 1 st Reading	3	2736-S	Messages	1
2366-S	Introduction & 1 st Reading	3	2747-S	Messages	1
2370	Introduction & 1 st Reading	3	2748-S	Introduction & 1 st Reading.....	5
2384-S	Introduction & 1 st Reading	3	5190	Second Reading	23
2389-S	Introduction & 1 st Reading	3	5190-S	Second Reading	23
2395-S	Messages	1		Third Reading Final Passage.....	23
2407-S	Messages	1	5217	Second Reading	14
2421-S	Messages	1	5217-S	Second Reading	14
2442	Introduction & 1 st Reading	3		Third Reading Final Passage.....	14
2452-S2	Messages	1	5412	Second Reading	21
			5412-S	Second Reading	21

THIRTY SIXTH DAY, FEBRUARY 13, 2012

2012 REGULAR SESSION

Third Reading Final Passage	21	6218	
5553-S		Second Reading	5
Second Reading	23	Third Reading Final Passage	6
5553-S2		6240	
Second Reading	23	Second Reading	16
Third Reading Final Passage	24	6240-S	
5620		Second Reading	16
Second Reading	16	Third Reading Final Passage	17
5620-S2		6295	
Second Reading	16	Second Reading	6
Third Reading Final Passage	16	6295-S	
5631		Second Reading	6
Second Reading	16	Third Reading Final Passage	7
5631-S		6312	
Second Reading	16	Second Reading	10
Third Reading Final Passage	16	6312-S	
5661		Other Action	12
Second Reading	27	Second Reading	10
Third Reading Final Passage	28	Third Reading Final Passage	13
5997		6340	
Second Reading	24	Second Reading	10
5997-S		Third Reading Final Passage	10
Second Reading	24	6385	
Third Reading Final Passage	24	Second Reading	15
6010		Third Reading Final Passage	15
Second Reading	22	6455	
6010-S		Second Reading	17
Second Reading	22	6455-S	
Third Reading Final Passage	23	Second Reading	17, 18
6046		Second Reading	17
Second Reading	22	Third Reading Final Passage	19
Third Reading Final Passage	22	6468	
6079		Second Reading	14
Second Reading	13	6468-S	
Third Reading Final Passage	13	Second Reading	14
6109		Third Reading Final Passage	14
Second Reading	15	6486	
Third Reading Final Passage	15	Second Reading	9
6133		6486-S	
Second Reading	24	Other Action	9
Third Reading Final Passage	24	Second Reading	9
6140		Third Reading Final Passage	9
Second Reading	27	6494	
6140-S2		Second Reading	15
Second Reading	27	6494-S	
Third Reading Final Passage	27	Second Reading	15
6150		Third Reading Final Passage	15
Second Reading	21	6507	
6150-S		Second Reading	6
Other Action	22, 25, 26	6507-S	
Second Reading	21, 22, 25	Second Reading	6
Third Reading Final Passage	26	Third Reading Final Passage	6
6165		6566	
Second Reading	27	Second Reading	13
6165-S2		Third Reading Final Passage	13
Second Reading	27	6582	
Third Reading Final Passage	27	Second Reading	19
6175		6582-S	
Second Reading	6	Second Reading	19, 20
Third Reading Final Passage	6	Third Reading Final Passage	21
6211		6595	
Second Reading	7	Introduction & 1 st Reading	1
6211-S2		8222	
Second Reading	7	Second Reading	26
Third Reading Final Passage	9	Third Reading Final Passage	26

8223
 Second Reading14
 Third Reading Final Passage14
 9264 Gretchen Sorensen
 Confirmed5
 PRESIDENT OF THE SENATE
 Remarks by the President25
 Reply by the President20
 Ruling by the President divide the bill, ESSB 615025

Ruling by the President SSB 6150 amd 113 25
 Ruling by the President SSB 6150 amd 114 24
 WASHINGTON STATE SENATE
 Parliamentary Inquiry, Senator Eide 25
 Point of Inquiry, Senator Delvin 8
 Point of Order, Senator Benton 20, 25, 26
 Point of Order, Senator Haugen 22, 25
 Rule 34 Protest by Senator Benton 26