

THIRTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 17, 2014

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 Baumgartner and Hobbs.

The Washington State Civil Air Patrol Color Guard, consisting of Cadet Airman Tristan Thoman, Rifle Guard; Cadet Second Lieutenant Piper Phillips, American Flag Commanding; Cadet Technical Sergeant John Roe, Flag Bearer; and Cadet Airman Timothy McNelly, Rifle Guard presented the Colors. Chaplin (Lieutenant Colonel) William Adam, Peninsula Composite Squadron, Assistant Chaplin of the Washington Wing of the Civil Air Patrol, offered the prayer.

The President thanked the cadets that comprised the Civil Air Patrol Guard for their performance while presenting the colors.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 14, 2014

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1170,
 SUBSTITUTE HOUSE BILL NO. 1635,
 SECOND SUBSTITUTE HOUSE BILL NO. 1651,
 HOUSE BILL NO. 2130,
 SUBSTITUTE HOUSE BILL NO. 2153,
 SUBSTITUTE HOUSE BILL NO. 2175,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2177,
 HOUSE BILL NO. 2334,
 SUBSTITUTE HOUSE BILL NO. 2373,
 SUBSTITUTE HOUSE BILL NO. 2378,
 SUBSTITUTE HOUSE BILL NO. 2474,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2512,
 HOUSE BILL NO. 2515,
 HOUSE BILL NO. 2553,
 SUBSTITUTE HOUSE BILL NO. 2610,
 SUBSTITUTE HOUSE BILL NO. 2699,
 SUBSTITUTE HOUSE BILL NO. 2725,
 SECOND SUBSTITUTE HOUSE BILL NO. 2743,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2014

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1072,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
 HOUSE BILL NO. 2359,
 HOUSE BILL NO. 2404,
 SECOND SUBSTITUTE HOUSE BILL NO. 2486,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
 SUBSTITUTE HOUSE BILL NO. 2613,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
 ENGROSSED HOUSE BILL NO. 2684,
 SECOND SUBSTITUTE HOUSE BILL NO. 2694,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6566 by Senators O'Ban, Padden, Pearson and Sheldon

AN ACT Relating to affirming the authority of the clemency and pardons board to make recommendations to the governor regarding petitions for reprieve to ensure that victims, law enforcement, prisoners, and others are heard; amending RCW 10.01.120; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6567 by Senators Tom, Hill, Billig, Rolfes, Chase, Ranker, Hargrove, Baumgartner, Schoesler, Litzow, Fain, Ericksen and Dammeier

AN ACT Relating to adjusting the oil spill response tax and oil spill administration tax; and amending RCW 82.23B.010, 82.23B.020, 82.23B.030, and 82.23B.040.

Referred to Committee on Ways & Means.

SB 6568 by Senator Baumgartner

AN ACT Relating to ordering the supreme court to increase the number of cases it decides; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1286 by Representatives Sawyer, Dahlquist, Clibborn, Jinkins, Ryu, Zeiger, Tharinger, Santos and Pollet

AN ACT Relating to the sale or exchange of unused department of transportation lands to federally recognized Indian tribes; and amending RCW 47.12.080.

Referred to Committee on Transportation.

SHB 1298 by House Committee on Government Operations & Elections (originally sponsored by Representatives Springer, S. Hunt, Ryu and Pollet)

AN ACT Relating to implementing recommendations of the sunshine committee; amending RCW 13.34.100, 42.56.240, 42.56.330, and 70.148.060; and reenacting and amending RCW 42.56.230.

Referred to Committee on Governmental Operations.

EHB 1367 by Representatives Kirby, Jinkins, Crouse, Green, Fey, Sawyer, Kochmar, Fitzgibbon and Pollet

AN ACT Relating to assessments for nuisance abatement in cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Governmental Operations.

ESHB 1654 by House Committee on Local Government (originally sponsored by Representatives Riccelli, Ormsby, Fitzgibbon, Tarleton, Van De Wege and Ryu)

AN ACT Relating to establishing a regional fire protection service authority within the boundaries of a single city; amending RCW 52.26.010, 52.26.030, 52.26.040, and 52.26.060; and reenacting and amending RCW 52.26.020.

Referred to Committee on Commerce & Labor.

HB 1892 by Representatives Reykdal, S. Hunt, Liias, Ryu and Fey

AN ACT Relating to modifying certain provisions regarding transportation benefit districts; and amending RCW 36.73.065, 82.80.140, and 36.73.015.

Referred to Committee on Transportation.

E2SHB 1902 by House Committee on Transportation (originally sponsored by Representatives Holy, Shea, Short, Clibborn, Schmick, Ormsby, Fagan, Crouse, Riccelli, Blake and Kristiansen)

AN ACT Relating to the creation of intermittent-use trailer license plates; amending RCW 46.17.220, 46.16A.200, 46.18.277, and 46.19.060; adding a new section to chapter 46.18 RCW; adding a new section to chapter 46.04 RCW; and prescribing penalties.

Referred to Committee on Transportation.

ESHB 2023 by House Committee on Business & Financial Services (originally sponsored by Representatives Habib, Ryu, Zeiger and Maxwell)

AN ACT Relating to allowing crowdfunding for certain small securities offerings; amending RCW 42.56.270; adding new sections to chapter 21.20 RCW; and creating new sections.

Referred to Committee on Financial Institutions, Housing & Insurance.

E2SHB 2029 by House Committee on Appropriations (originally sponsored by Representatives Morris and Hudgins)

AN ACT Relating to eliminating the economic development-related agencies, boards, and commissions; amending RCW 28B.30.530, 28B.155.010, 28C.18.060, 39.102.040, 43.160.060, 43.160.900, 43.330.050, 43.330.080, 43.330.082, 43.330.090, 43.330.250, 43.330.270, 43.330.280, 43.330.375, 50.38.050, 82.14.505, 82.33A.010, 43.131.418, and 43.330.010; reenacting and amending RCW 28C.18.080, 43.84.092, 43.84.092, and 43.330.310; repealing RCW 43.162.005, 43.162.010, 43.162.012, 43.162.015, 43.162.020, 43.162.025, 43.162.030, 43.162.040, 82.33A.020, 43.374.010, 43.336.010, 43.336.020, 43.336.030, 43.336.040, 43.336.050, 43.336.060, 43.336.900, and 43.330.290; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

HB 2061 by Representatives Harris, Cody and Hope

AN ACT Relating to carriers operating outside of the exchange but only relating to requiring that carriers offering health benefit plans that meet the definition of bronze level in the individual or small group market must also offer silver and gold level plans as specified in section 1302 of P.L. 111-148 of 2010 and that nongrandfathered individual and small group health plans must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010; and amending RCW 48.43.700 and 48.43.705.

Referred to Committee on Health Care.

SHB 2074 by House Committee on Health Care & Wellness (originally sponsored by Representatives Sawyer, Rodne, Jinkins, Pedersen, Kirby, Cody, Hansen and Hargrove)

AN ACT Relating to fees for health records; and adding a new section to chapter 70.02 RCW.

Referred to Committee on Health Care.

SHB 2080 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Zeiger, Appleton, Angel, DeBolt, Blake, Haler, McCoy, Wilcox, Fitzgibbon, Hurst, Freeman, S. Hunt, Santos and Ryu)

AN ACT Relating to vacating convictions for certain tribal fishing activities; and reenacting and amending RCW 9.96.060.

Referred to Committee on Law & Justice.

HB 2099 by Representatives Vick, Blake, Buys, Van De Wege, Orcutt, Haler, Ross and Fagan

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

ESHB 2111 by House Committee on Transportation (originally sponsored by Representatives Farrell, Hayes, Fey,

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Rodne, Zeiger, Fitzgibbon, Morrell, Jinkins, Moscoso, Ryu and Freeman)

AN ACT Relating to telecommunications work experience for purposes of eligibility toward limited energy specialty electrician certification; and amending RCW 19.28.191.

AN ACT Relating to the enforcement of regional transit authority fares; and amending RCW 81.112.210.

Referred to Committee on Commerce & Labor.

Referred to Committee on Transportation.

ESHB 2306 by House Committee on Finance (originally sponsored by Representatives Lytton, Morris and Blake)

SHB 2126 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Warnick, Tharinger, Chandler, Van De Wege, MacEwen, Pettigrew, Dunshee, Stanford, Fitzgibbon, Haler, Ross, Buys, Morrell, Roberts and Ryu)

AN ACT Relating to current use valuation for farm and agricultural land; and creating new sections.

Referred to Committee on Ways & Means.

AN ACT Relating to the community forest trust account; amending RCW 43.30.385, 79.64.020, 79.64.040, and 79.155.090; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 79.155 RCW.

SHB 2310 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Cody, Green, Van De Wege, Tharinger, Morrell, Johnson, Parker, Stonier, Reykdal, Jinkins and Kochmar)

Referred to Committee on Natural Resources & Parks.

AN ACT Relating to safety equipment for individual providers; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Ways & Means.

SHB 2135 by House Committee on Business & Financial Services (originally sponsored by Representatives Parker, Stanford and Kirby)

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.020.

HB 2329 by Representatives Riccelli, Short, Hudgins, Cody, Stanford, Walkinshaw, Bergquist, Farrell, Jinkins, S. Hunt, Green, Tharinger, Morrell, Van De Wege, Clibborn, Harris, Tarleton, Vick, Moeller, Kagi, Roberts, Senn and Pollet

Referred to Committee on Financial Institutions, Housing & Insurance.

AN ACT Relating to creating the breastfeeding-friendly Washington designation; adding new sections to chapter 70.54 RCW; repealing RCW 43.70.640; and providing an effective date.

Referred to Committee on Health Care.

ESHB 2160 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Pollet, Appleton, S. Hunt, Buys, Haler, Warnick, Pettigrew, Manweller, Goodman, Clibborn, Santos, Harris and Kagi)

AN ACT Relating to allowing physical therapists to perform spinal manipulation; amending RCW 18.74.---, 18.74.010, 18.74.035, and 18.74.085; adding a new section to chapter 18.74 RCW; and providing effective dates.

SHB 2331 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Sells, Ormsby, Moscoso, Moeller, Ryu, Reykdal and Pollet)

AN ACT Relating to certified payroll records on public works projects; and amending RCW 39.12.040.

Referred to Committee on Commerce & Labor.

Referred to Committee on Health Care.

ESHB 2246 by House Committee on Environment (originally sponsored by Representatives S. Hunt, Fitzgibbon, Hudgins, Morris, Ryu, Roberts, Bergquist, Goodman and Pollet)

AN ACT Relating to financing for stewardship of mercury-containing lights; amending RCW 70.275.030, 70.275.040, and 70.275.050; reenacting and amending RCW 70.275.020; adding a new section to chapter 70.275 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 70.95M RCW; creating a new section; recodifying RCW 70.275.080; repealing RCW 70.275.120; providing an effective date; and providing a contingent effective date.

2SHB 2333 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Ryu, Sells, Moscoso, Seaquist, S. Hunt, Green, Stanford, Appleton, Reykdal, Fitzgibbon, Habib, Bergquist, Goodman, Farrell, Ormsby, Pollet and Walkinshaw)

AN ACT Relating to the employment antiretaliation act; amending RCW 49.46.010, 49.46.100, and 39.12.010; reenacting and amending RCW 49.48.082; adding new sections to chapter 49.46 RCW; adding a new section to chapter 49.12 RCW; adding new sections to chapter 49.48 RCW; adding new sections to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

Referred to Committee on Commerce & Labor.

HB 2254 by Representatives Manweller, Sells and Johnson

ESHB 2351 by Representatives Tarleton, Harris, Cody, Schmick, Walkinshaw, Riccelli, Ryu, Morrell, Roberts, Zeiger and Freeman

AN ACT Relating to volunteer health care professionals licensed in a foreign jurisdiction; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SHB 2364 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Hurst, Blake, Pettigrew, Manweller, Pollet and Vick)

AN ACT Relating to sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on-premise consumption; and amending RCW 66.24.145, 66.28.040, 19.126.020, 66.24.140, and 66.28.310.

Referred to Committee on Commerce & Labor.

ESHB 2368 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Walsh, Gregerson, Jinkins, Orwall, Robinson, Bergquist, Reykdal, Hansen, Van De Wege, Goodman, Sullivan, S. Hunt, Pettigrew, Ryu, Kagi, Lytton, Tarleton, Freeman, Ormsby, Walkinshaw, Morrell, Pollet, Appleton and Riccelli)

AN ACT Relating to a surcharge for local homeless housing and assistance; amending RCW 36.22.179, 43.185C.060, and 43.185C.240; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2372 by House Committee on Transportation (originally sponsored by Representatives Klippert and Clibborn)

AN ACT Relating to providing flexibility in penalty amounts for failure to register vehicles; reenacting and amending RCW 46.16A.030; and creating a new section.

Referred to Committee on Transportation.

HB 2407 by Representatives Ormsby, Sullivan and Chandler

AN ACT Relating to correcting restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by a different state retirement system; and amending RCW 41.40.037.

Referred to Committee on Ways & Means.

HB 2408 by Representatives Ormsby, Chandler, Sullivan and Haler

AN ACT Relating to removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year; and amending RCW 41.34.040.

Referred to Committee on Ways & Means.

SHB 2410 by House Committee on Capital Budget (originally sponsored by Representatives Riccelli, Hawkins, Stonier, Santos, Reykdal, Farrell, Bergquist, Senn, Appleton, Ormsby, Parker, Walkinshaw, Robinson, Tharinger, Ryu, Morrell, Stanford, S. Hunt, Gregerson and Freeman)

AN ACT Relating to equipment assistance grants to enhance student nutrition in public schools; adding a new section to chapter 28A.235 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2415 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Parker, Ormsby, Zeiger, Walsh, Holy, Christian, Lytton, Riccelli, Fagan, Kagi, Gregerson, Orwall and Santos)

AN ACT Relating to creating a temporary homeless status certification; adding a new section to chapter 43.185C RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2437 by Representative Hunter

AN ACT Relating to clarifying employee eligibility for benefits from the public employees' benefits board and conforming the eligibility provisions with federal law; amending RCW 41.05.009, 41.05.011, 41.05.065, 41.05.066, 41.05.095, and 41.05.195; and reenacting and amending RCW 41.05.080.

Referred to Committee on Ways & Means.

ESHB 2451 by House Committee on Health Care & Wellness (originally sponsored by Representatives Liias, Walsh, Moeller, Cody, Walkinshaw, Jinkins, Lytton, Goodman, Stanford, Wylie, Riccelli, Pettigrew, Roberts, Orwall, Ryu, Tarleton, Reykdal, Habib, Bergquist, Gregerson, Farrell, Pollet and Ormsby)

AN ACT Relating to restricting the practice of sexual orientation change efforts; amending RCW 18.130.020 and 18.130.180; and creating new sections.

Referred to Committee on Health Care.

HB 2456 by Representatives Gregerson, Freeman, Tarleton, Orwall, Sells, Ryu, Appleton, Van De Wege, Goodman, Morrell and Muri

AN ACT Relating to correcting the expiration date of a definition of firefighter; and amending 2007 c 304 s 4 (uncodified).

Referred to Committee on Ways & Means.

SHB 2467 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Manweller, Cody, DeBolt, Green, Liias, Dunshee, Ryu, Tarleton, Goodman, Gregerson, Morrell, Kagi and Ormsby)

AN ACT Relating to dental benefits offered in the Washington state health benefit exchange; and amending RCW 43.71.065.

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Referred to Committee on Health Care.

SHB 2492 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Jinkins, Morrell and Tharinger)

AN ACT Relating to liability of health care providers responding to an emergency; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

ESHB 2519 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Senn, Walsh, Kagi, Hunter, Roberts, Tharinger, Haigh, Goodman and Freeman)

AN ACT Relating to connecting children involved in the child welfare system to quality early care and education programming; amending RCW 43.215.405 and 43.215.405; adding a new section to chapter 26.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2537 by House Committee on Judiciary (originally sponsored by Representatives Robinson, Appleton, Jinkins, Stanford, Riccelli, Pollet and Santos)

AN ACT Relating to tenant screening; amending RCW 59.18.257; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2543 by House Committee on Public Safety (originally sponsored by Representatives Shea, Overstreet, Taylor and Short)

AN ACT Relating to electronic monitoring; amending RCW 9.94A.030; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SHB 2544 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Holy, Bergquist, Ormsby, Manweller, Christian, Green, Pettigrew and Kretz)

AN ACT Relating to newborn screening; amending RCW 70.83.020; adding new sections to chapter 70.83 RCW; and providing an expiration date.

Referred to Committee on Health Care.

EHB 2558 by Representatives Fey, Jinkins and Freeman

AN ACT Relating to disposing tax foreclosed property to cities for affordable housing purposes; and amending RCW 36.35.150.

Referred to Committee on Ways & Means.

E2SHB 2580 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Tarleton, Haler, Fey, Wylie, Seaquist, Pollet, Ryu and Carlyle)

AN ACT Relating to fostering economic resilience and development in Washington by supporting the maritime industry and other manufacturing sectors; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SHB 2592 by House Committee on Judiciary (originally sponsored by Representatives Stonier, Pike, Wylie, Harris, Fey, Orcutt and Moeller)

AN ACT Relating to county electronic public auctions; amending RCW 36.34.060, 36.34.080, 36.34.090, 36.35.120, 84.56.070, 84.56.090, 84.64.005, 84.64.080, and 84.64.200; reenacting and amending RCW 36.16.140; adding a new section to chapter 36.16 RCW; adding a new section to chapter 84.64 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SHB 2612 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hansen, Haler, Zeiger and Seaquist)

AN ACT Relating to the opportunity scholarship program; amending RCW 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.050, 28B.145.060, and 28B.145.070; and adding a new section to chapter 28B.145 RCW.

Referred to Committee on Ways & Means.

2SHB 2616 by House Committee on Appropriations (originally sponsored by Representatives Freeman, Walsh, Kagi, Roberts, Smith, Orwall, Tarleton and Pollet)

AN ACT Relating to parents with developmental disabilities involved in dependency proceedings; reenacting and amending RCW 13.34.136; and creating a new section.

Referred to Committee on Ways & Means.

HB 2723 by Representatives Gregerson, Rodne, Orwall, Jinkins, Robinson, Freeman, Takko, Farrell, Bergquist, Riccelli, Fitzgibbon, Senn, Ryu, Morrell, Ortiz-Self, Clibborn, Kagi and Goodman

AN ACT Relating to foreclosures; amending RCW 61.24.031, 61.24.163, 61.24.165, and 61.24.172; and reenacting and amending RCW 61.24.005.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2724 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Ortiz-Self, Appleton, Walkinshaw, Sawyer, Ryu, Roberts, Stanford and Wylie)

AN ACT Relating to the exemption of information concerning archaeological resources and traditional cultural

places from public disclosure; and amending RCW 42.56.300.

Referred to Committee on Governmental Operations.

SHB 2739 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Ortiz-Self, Walsh, Santos, Bergquist, Walkinshaw, Kagi, Johnson, Ryu, Zeiger and Magendanz)

AN ACT Relating to early childhood development as it relates to school success; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

Senator Fain moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6566 which should be referred to the Committee on Law & Justice and Engrossed Substitute House Bill No. 2023 which should be referred to the Committee on Financial Institutions, Housing & Insurance.

Senator Rolfes spoke on the motion by Senator Fain.

The President declared the question before the Senate to be the motion by Senator Fain to refer the bills on the Introduction and First Reading report as previously designated to the committees.

The motion by Senator Fain carried by a voice vote.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 17, 2014."

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

The motion by Senator Fain carried and debate was limited through February 17, 2014 by voice vote.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION

8682

By Senators Honeyford, Hatfield, Hobbs, Brown, Schoesler, Holmquist Newbry, Angel, Hewitt, Benton, Becker, Erickson, Bailey, Parlette, Hill, Dammeyer, Rivers, Braun, Fraser, Padden, Pearson, Conway, Hasegawa, Sheldon, Fain, Chase, Rolfes, Nelson, King, Litzow, Baumgartner, and O'Ban

WHEREAS, The Civil Air Patrol was born on December 1, 1941, just days before the attack on Pearl Harbor, for the purposes of liaison flying and interdiction of infiltrators on the east coast and the southern border of the United States, and the Civil Air Patrol insignia, a red three-bladed propeller in the Civil Defense white-triangle-in-blue-circle, began appearing everywhere; and

WHEREAS, When German submarines began to prey on American ships, the Civil Air Patrol's mission grew to include a 1,000-member coastal patrol, 64 of whom died in service and 26 of whom were lost at sea; and

WHEREAS, After Civil Air Patrol planes were issued bombs and depth charges in response to a crew watching in vain as a grounded sub off Cape Canaveral, Florida, escaped before the military arrived, the Civil Air Patrol Coastal flew 24 million miles and found 173 subs, attacked 57, hit 10, and sank two; and

WHEREAS, By presidential executive order, the Civil Air Patrol became an auxiliary of the Army Air Force on April 28, 1943, and some months later the Germans withdrew coastal U-boat operations "because of those damned little red and yellow airplanes"; and

WHEREAS, The Civil Air Patrol went on to target-towing operations, courier service for the Army, liaison and cargo flights between war plants, and southern border patrol against enemy infiltrators crossing from Mexico, and air, search and rescue, and nonflying Civil Air Patrol members guarded airfields and trained a rapidly growing corps of Civil Air Patrol cadets; and

WHEREAS, During the postwar years, the Civil Air Patrol was put to work in search and rescue missions, saving the United States millions of dollars in operational costs, because there was no other organization with the equipment and training to continue this vital job as military aircraft was far too expensive to operate and flew too fast to accurately spot downed planes and personnel; and

WHEREAS, During floods and other natural disasters, the Civil Air Patrol has flown vital serum and vaccines to areas unreachable by heavier aircraft, and ground teams have helped in the evacuation of cities and towns; and

WHEREAS, The Civil Air Patrol has a cadet program with over 24,000 young people between the ages of 12 and 20, one of its major attractions being the aerospace program which provides both classroom and practical instruction in flight and rocketry, and each cadet is offered the opportunity to participate in orientation flights in both powered and glider aircraft, while learning search and rescue techniques and many other valuable skills, with an emphasis on military history, leadership, and service to others both within the squadron and the community as a whole; and

WHEREAS, Today's Civil Air Patrol continues its service and commitment to our state and country with three primary missions: Aerospace Education, Cadet Programs, and Emergency Services; and

WHEREAS, In Washington state alone, the Civil Air Patrol is composed of 734 senior members and 638 cadets who flew their eleven aircraft 2,304 hours in service to our state and, primarily for cadet aerospace education, their Washington state gliders took 696 flights, at a value of 3 million dollars in volunteer hours; and

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WHEREAS, The Washington Wing was ranked first for hours flown per aircraft above all Wings in the CAP Pacific Region, which is comprised of Wings from Alaska, Oregon, California, Hawaii, Washington, and Nevada, and the Washington Wing ranked 14th for hours flown per wing out of the 57 CAP units nationwide;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate recognize the Washington state wing of the Civil Air Patrol for its courageous and unwavering dedication to our citizens; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Civil Air Patrol Wing Commander, Colonel David Lehman, and to Civil Air Patrol Colonel, Theodore Tax.

Senators Honeyford and O'Ban spoke in favor of adoption of the resolution.

POINT OF INQUIRY

Senator Keiser: "Would Senator Honeyford yield to a question? I always admire a man in a dashing uniform and it's a wonder to see it on you and I'd like you to tell me a little more about your uniform today. Would you?"

Senator Honeyford: "It's a United States Air Force uniform. The insignia is on the shoulder boards are for Lieutenant Colonel. I received that for being the Legislative Squadron leader but I also participate with the Yakima squadron and their training and these ribbons are some of the ribbons that have been earned since I have been in Civil Air Patrol."

Senators Chase, Brown and Cleveland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Colonel Theodore Tax, Vice Commander of the Washington Wing who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the cadets, representatives and other guests of the Civil Air Patrol, Washington Wing who were present in the gallery and recognized by the senate.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Steven R. Hill, Gubernatorial Appointment No. 9206, be confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Hobbs was excused.

MOTION

On motion of Senator Fain, Senator Baumgartner was excused.

APPOINTMENT OF STEVEN R. HILL

The President declared the question before the Senate to be the confirmation of Steven R. Hill, Gubernatorial Appointment No. 9206, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Steven R. Hill, Gubernatorial Appointment No. 9206, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Hobbs

Steven R. Hill, Gubernatorial Appointment No. 9206, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Frederick Goldberg, Gubernatorial Appointment No. 9235, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senators Fraser and Frockt spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senators Keiser and Nelson were excused.

APPOINTMENT OF FREDERICK GOLDBERG

The President declared the question before the Senate to be the confirmation of Frederick Goldberg, Gubernatorial Appointment No. 9235, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Frederick Goldberg, Gubernatorial Appointment No. 9235, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel,

Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Hobbs, Keiser and Nelson

Frederick Goldberg, Gubernatorial Appointment No. 9235, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Uriel R Iniguez, Gubernatorial Appointment No. 9277, be confirmed as a member of the Board of Trustees, Eastern Washington University.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF URIEL R INIGUEZ

The President declared the question before the Senate to be the confirmation of Uriel R Iniguez, Gubernatorial Appointment No. 9277, as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Uriel R Iniguez, Gubernatorial Appointment No. 9277, as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Hobbs and Keiser

Uriel R Iniguez, Gubernatorial Appointment No. 9277, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

MOTION

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

SECOND READING

SENATE BILL NO. 5514, by Senators Roach and Benton

Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5514 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.

Senators Fraser and Hasegawa spoke against passage of the bill.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5514 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6014, by Senators Roach and Fain

Concerning the operation of a vessel under the influence of an intoxicant.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6014 was substituted for Senate Bill No. 6014 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6014.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6014 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6014, 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 Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION

8681

THIRTY SIXTH DAY, FEBRUARY 17, 2014

2014 REGULAR SESSION

By Senators Fraser, Honeyford, Nelson, Hewitt, Tom, Rolfes, Fain, Mullet, Bailey, Kline, Hobbs, Pedersen, Eide, Schoesler, Keiser, Hargrove, Ranker, Frockt, Liias, Conway, Darneille, Padden, Braun, Angel, Ericksen, Hatfield, Benton, Kohl-Welles, McCoy, Hasegawa, Pearson, Becker, Chase, Sheldon, McAuliffe, Cleveland, Billig, Parlette, Litzow, Roach, Brown, Dansel, Holmquist Newbry, Baumgartner, O'Ban, Hill, Rivers, Dammeier, and King

WHEREAS, 125 years ago, on February 22, 1889, fittingly on George Washington's Birthday, President Grover Cleveland signed legislation enabling the Washington Territory to proceed with the steps necessary to become a state; and

WHEREAS, From this date, the process proceeded expeditiously, taking only nine months, with a State Constitutional Convention held in Olympia July 4 to August 22, 1889, the proposed State Constitution approved by Washington's all-male voters on October 1, and the Proclamation of Statehood issued by the President on November 11; and

WHEREAS, Although these steps were achieved quickly, this action culminated a 36-year quest for statehood, which began with the establishment of the Washington Territory in 1853; and

WHEREAS, Prior attempts to achieve statehood involved actions during the 1870s, which included the unsuccessful 1878 Walla Walla Constitutional Convention, and actions during the 1880s, which included an effort to establish a "State of Tacoma"; and

WHEREAS, The Enabling Act specified many significant policies required to be included in the Washington State Constitution, including that "the constitution shall be republican in form," that it shall "make no distinction in civil or political rights on account of race or color, except as to Indians not taxed," that is "not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence," that there be "perfect toleration of religious sentiment," and that "provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children...and free from sectarian control"; and

WHEREAS, The Enabling Act provided that, upon statehood, the national government would transfer significant amounts of land to the state government for purposes of supporting "common schools," "agricultural colleges," "normal schools," "a scientific school," and "charitable, educational, penal, and reformatory institutions"; and

WHEREAS, Provisions of the Enabling Act have been amended by Congress periodically, as the Act continues to guide and inform the principles governing the State to this day; and

WHEREAS, The Enabling Act also provided for the general judicial framework for the State, and appended the State to the Ninth Judicial Circuit of the federal court system; and

WHEREAS, Statehood finally allowed the citizens of the former Territory to have direct representation in Congress; and

WHEREAS, Washington State will commemorate the 125th Anniversary of the admission of Washington State to the Union on November 11, 1889, with events and ceremonies on November 11, 2014, which will include the return to the State Capitol of the "Keepers of the Capsule" after 25 years, to fulfill the oath they took in 1989 at the age of 10; and

WHEREAS, This historic return will feature the first updating of the State's 400-year time capsule, the swearing-in of the second generation of "Keepers of the Capsule" to watch and ward over the capsule on its journey to the year 2389, and the installation of the first 25 year time capsule materials since 1989 by the new generation of "Keepers of the Capsule";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate call on the people of the State of Washington to commemorate the 125th Anniversary of the Enabling Act, enacted by Congress, which enabled Washington to become the successful, vibrant state it is today and will continue to be in the future.

Senators Fraser, Cleveland and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Washington 125 Planning Committee: Mrs. Jerry Honeyford; Mrs. Shanna Stevenson, Washington State Historical Society; Mr. Mark Foutch, former Mayor of the City of Olympia; and Ms. Jennifer Estroff, Chair of the "Keepers of the Capsule who were present in the gallery.

MOTION

At 10:06 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2365.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2192,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2298,

ENGROSSED HOUSE BILL NO. 2582,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6206, by Senators Honeyford, Conway and Holmquist Newbry

Concerning telecommunications installations.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Conway 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. 6206.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6206, 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. 6511, by Senators Becker and King

Addressing the prior authorization of health care services.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 6511 was substituted for Senate Bill No. 6511 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following amendment by Senators Becker, Parlette and Pedersen be adopted: On page 2, line 17 after "rule;" insert the following:

"(g) Recommendations to limit or eliminate the application of prior authorization to routine health care services for which a person may self-refer;"

Re-label the remaining subsection

Senators Becker and Pedersen 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 Becker, Parlette and Pedersen on page 2, line 17 to Substitute Senate Bill No. 6511.

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 Substitute Senate Bill No. 6511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Pedersen 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. 6511.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6511 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Rivers

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6511, 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. 6138, by Senators Bailey, Pedersen, Parlette and Kline

Allowing the Washington state dental quality assurance commission to adopt rules regarding credential renewal requirements for dental professionals.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Pedersen 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. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel,

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Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6138, 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. 6519, by Senators Litzow, Hobbs, Keiser and McAuliffe

Concerning public school employees' insurance benefits reporting.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Pedersen 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. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6519 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Fraser, Hasegawa, Liias, McAuliffe, McCoy and Nelson

Excused: Senator Baumgartner

SENATE BILL NO. 6519, 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 Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 12:12 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:09 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5859, by Senators Braun, Hatfield, Holmquist Newbry and Hargrove

Providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5859 was substituted for Senate Bill No. 5859 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. 5859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Braun and Frockt 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. 5859.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5859 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Mullet

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 5859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hatfield: "Thank you Mr. President.' Engaged,' 'inspired' and 'imaginative in their pursuit to understand the past,' that's how Longview school district administrators described Amy Johnson's students. Amy Johnson is the 2013 Washington State American History Teacher of the Year. I just wanted to take a moment to congratulate her. She teaches at Cascade Middle School in the Nineteenth Legislative District and rumor is that she is visiting us today with her family. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Mrs. Amy Johnson, the 2013 Washington State American History Teacher of the Year, from Longview; her husband, Mr. Tom Johnson; and her son Mark who were present in the gallery together with their family and friends. The National History Teacher of the Year Award, sponsored by the Gilder Lehrman Institute of American History, HISTORY NETWORK, and The Preserve America program administered by the Advisory Council on Historic Preservation in cooperation with the White House, the U. S. Department of the Interior, and the U. S. Department of Agriculture, recognized outstanding K-12 American history teachers across the country.

SECOND READING

SENATE BILL NO. 6050, by Senators O'Ban, Becker, Pedersen, Keiser, Dammeier, Darneille, Baumgartner, Rolfes, Kohl-Welles, Parlette, Hill and Brown

Concerning communication of mammographic breast density information to patients.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 6050 was substituted for Senate Bill No. 6050 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 6050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.
Senator Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6050.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6050 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Fraser, Hasegawa, Hatfield, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson and Pedersen

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6050, 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. 6415, by Senators Fain, Angel, Tom, Dammeier, Hill, Becker, Eide, Hobbs, King, Brown, Bailey, Litzow, Schoesler, Braun and Rolfes

Concerning consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Kline 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. 6415.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6415, 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. 6025, by Senators O'Ban and Roach

Creating a sentence enhancement for body armor.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Pedersen be adopted:

Beginning on page 15, line 20, strike all of sections 2 through 4 and insert the following:

"Sec. 2. RCW 9.94A.535 and 2013 2nd sp.s. c 35 s 37 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

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(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The offender or an accomplice was wearing body armor at the time of the offense and was armed with a firearm, as defined in RCW 9A.41.010, or a deadly weapon, as defined in RCW 9A.04.110.

(o) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((p))~~ (p) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

~~((q))~~ (q) The offense involved an invasion of the victim's privacy.

~~((r))~~ (r) The defendant demonstrated or displayed an egregious lack of remorse.

~~((s))~~ (s) The offense involved a destructive and foreseeable impact on persons other than the victim.

~~((t))~~ (t) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

~~((u))~~ (u) The defendant committed the current offense shortly after being released from incarceration.

~~((v))~~ (v) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

~~((w))~~ (w) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

~~((x))~~ (x) The defendant committed the offense against a victim who was acting as a good samaritan.

~~((y))~~ (y) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

~~((z))~~ (z) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

~~((aa))~~ (aa)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

~~((ab))~~ (bb) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

~~((bc))~~ (cc) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

~~((cd))~~ (dd) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

~~((de))~~ (ee) The current offense involved a felony crime against persons, except for assault in the third degree pursuant to RCW 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This subsection shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with RCW 2.28.200 at the time of the offense.

~~((ef))~~ (ff) During the commission of the current offense, the defendant was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "9.94A.030" strike the remainder of the title and insert "and 9.94A.535; and providing an effective date."

Senator Kline spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Pedersen on page 15, line 20 to Senate Bill No. 6025.

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

MOTION

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

Senator O'Ban 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. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Liiias, Litzow, McAuliffe, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Frockt, Hasegawa, Kohl-Welles, McCoy, Mullet, Nelson and Pedersen

Excused: Senator Baumgartner

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

SECOND READING

SENATE BILL NO. 5020, by Senators Sheldon and Carrell

Modifying indigent defense provisions.

MOTION

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On motion of Senator Sheldon, Substitute Senate Bill No. 5020 was substituted for Senate Bill No. 5020 and the substitute bill was placed on the second reading and read the second time.

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

MOTION

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

On page 2, line 35, after "(3)" insert "(a) or (b)"

Senator Kline spoke in favor of adoption of the amendment.
Senator Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 35 to Substitute Senate Bill No. 5020.

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

MOTION

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

On page 3, line 36, after "accurate," strike everything through "court," on line 38

Senators Hargrove and Sheldon 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 Hargrove and Sheldon on page 3, line 16 to Substitute Senate Bill No. 5020.

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

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.
Senator Kline 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. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Absent: Senator Ericksen

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, having received the constitutional majority, was declared passed.

INTRODUCTION OF SPECIAL GUEST

The President welcomed U. S. Senator Patty Murray, former State Senator and Washington's senior U. S. Senator, who was present in the wings of the Senate.

MOTION

At 1:59 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:21 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6516, by Senators Honeyford, Keiser, Ericksen, Braun and Chase

Creating a joint legislative task force to study financing options for water supply, flood control, and storm water projects.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6516 was substituted for Senate Bill No. 6516 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, on line 25 strike "four members" and insert "six members, three from each of the two largest caucuses"

On page 2, on line 29 strike "four members" and insert "six members, three from each of the two largest caucuses"

Senators Conway and McCoy spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and McCoy on page 2, line 25 to Substitute Senate Bill No. 6516.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser 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. 6516.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6516 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Mullet and Nelson

Absent: Senator Liias

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6516, 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. 6424, by Senators Roach, McAuliffe, Litzow, Fain, Bailey, Mullet, Hasegawa and Tom

Establishing a state seal of biliteracy for high school students.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Mullet, McAuliffe, Rolfes and Nelson spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6424.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6424 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6125, by Senators Benton, Sheldon, Braun, Angel, Dammeier, O'Ban, Schoesler, Padden, Becker, Bailey and Honeyford

Concerning eminent domain.

The measure was read the second time.

MOTION

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

On page 1, line 10, after "govern." Insert "This section does not apply to property intended for use as part of a transportation project."

Senators Cleveland, Fraser, Rolfes, Chase and Kline spoke in favor of adoption of the amendment.

Senators Padden, Dansel and Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cleveland on page 1, line 10 to Senate Bill No. 6125.

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

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Cleveland, Pedersen, Fraser and Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6125.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6125 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 6125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. This morning we had a resolution honoring the one hundred twenty-fifth anniversary of the State, sesqua-something or other, something I can't pronounce. But we also have another celebration the same that's even a couple months older than our state and that is the Washington State Grange. A little bit of history, they were formed in the upper floor in a building called the Pioneer Store building in La Camus which is now Camus in Clark County and it became the largest grange in the United States. Today we have some people in the balcony that are here for Washington State Grange meetings. I think one of the important things that they are doing is that they seem to very

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much dedicated to improving the quality of life in Washington and I appreciate that and their hard work. Also, that they have their one hundred twenty-fifth annual State Convention coming up in Vancouver in June of this year. Thank you Mr. President, I thought we should recognize them.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of the Washington State Grange which, in addition to advocating for the improvement of the standard of living for farmers and other rural residents, fund college scholarships and coordinates a variety of projects and contests, and were present in the gallery. The Grangers were led by Washington State Grange Master (President) Duane J. Hamp, represented a number of local Granges included: Marilyn and Ed Armit, and Terry Abbott, Mossyrock #355, 20th Legislative District; Denise McCartan, Black Lake #861 (Olympia), 22nd Legislative District; Chris Schaefer, St Urban #648 (Winlock), 20th Legislative District; Claire and Kurt Lucke, Swauk-Teanaway #984 (Cle Elum), 13th Legislative District; Loren Mercer, The Agate #275 (Shelton), 35th Legislative District; Christie Vintilo, South Union #860 (Olympia), 35th Legislative District; Larry Helm and Russ Weston, Rome #226 (Bellingham), 40th Legislative District; Hazel Reude and Shannon Nickelsen, Fern Prairie #866 (Camas), 14th and 18th Legislative Districts; and Shavanna Burlingame, Silverlake/Ethel #1500, 20th Legislative District.

SECOND READING

SENATE BILL NO. 6517, by Senators Roach, Chase, Fraser and Rivers

Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying.

MOTION

On motion of Senator Roach, Substitute Senate Bill No. 6517 was substituted for Senate Bill No. 6517 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, at the beginning of line 2 of the title, after “numbers” strike all material through “identification numbers” and insert “and identicard numbers”

Senator Roach 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 Roach on page 1, line 2 to Substitute Senate Bill No. 6517.

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

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 6517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa 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. 6517.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6517 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

ENGROSED SUBSTITUTE SENATE BILL NO. 6517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: “Thank you Mr. President, having checked with the good Senator from the Forty-Seventh and found that we’re going to be here till oh dark thirty in the morning, we’re going to be dreary eyed. We’re going to be tired. So Dr. Kline has prescribed his famous medicine. I want you to know, I want you to know that medicine is organic. And for those for whom that is a dirty word I’m sorry but it organic. It is not foreign medicine. It is made right here in Olympia and it’s guaranteed effective. I just want you to know that that machine over there if you have any need for this medicine anytime soon and the machine makes you a little dubious, it’s a ten dollar special from the Goodwill. And I will be more than happy to help you move it. Thank you. “

PERSONAL PRIVILEGE

Senator Ranker: “I want to clarify for members in the gallery that the good speaker was just speaking about coffee. He’s talking about coffee. Nothing more. Thank you.”

SECOND READING

SENATE BILL NO. 6079, by Senators Hatfield and Honeyford

Extending the dairy inspection program assessment expiration date.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, 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.

Senator Hatfield 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, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

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.

SECOND READING

SENATE BILL NO. 5957, by Senators Honeyford and Mullet

Concerning the renewal of parking privileges for persons with disabilities.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Darneille, Mullet, Roach and Hobbs 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. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 5957, 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. 6141, by Senators Roach, Hasegawa, Fain, Hobbs, Hatfield, Honeyford and Tom

Concerning the confidentiality of certain records filed with the utilities and transportation commission or the attorney general.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa 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. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Kline and McAuliffe

Excused: Senator Baumgartner

SENATE BILL NO. 6141, 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 4:35 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:03 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6064, by Senators Litzow, Fain, Dammeier, Hobbs, Hill, Becker, Tom and Braun

Requiring an analysis of how school districts use school days.

MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Litzow yield to a question?"

The Senator does not yield.

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa
Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6064, 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 Fain, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5112, by Senators Holmquist Newbry, Sheldon, Braun and Hewitt.

Granting scheduling authority for qualified retrospective rating plan employers and groups.

The bill was read on Third Reading.

MOTION

Senator Keiser moved that the rules be suspended and Senate Bill No. 5112 be returned to second reading for the purpose of amendment.

Senator Holmquist Newbry spoke against the motion.
Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the rules be suspended that Senate Bill No. 5112 be returned to second reading for the purpose of amendment.

The motion by Senator Keiser failed by a voice vote.

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

Senator Conway spoke against passage of the bill.

POINT OF ORDER

Senator Schoesler: "Mr. President, the speaker is impugning the members of the retro program and straying from the intent of the legislation before us."

RULING BY THE PRESIDENT

President Owen: "Senator Schoesler, he has every right to impugn the members of the retro program, just not the members of this body."

Senators Keiser, McCoy, Hasegawa, Nelson, Kline, Liias and Fraser spoke against passage of the bill.

Senators Braun and Becker 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. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 5112, 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 Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6114, by Senators Benton and Cleveland

Revising local government treasury practices and procedures.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hasegawa 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. 6114.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6114 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Nelson: "For members' information, that was our twentieth bill today. Number twenty. I just want to make sure everyone is aware of that. Thank you."

SECOND READING

SENATE BILL NO. 6180, by Senators Braun, Holmquist Newbry, Padden, Sheldon, Brown, Schoesler, Rivers and Parlette

Consolidating designated forest lands and open space timber lands for ease of administration.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Liias spoke in favor of passage of the bill.

Senator Rolfes spoke on passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Frockt, Hasegawa, Kline, Kohl-Welles, McAuliffe, McCoy, Nelson, Pedersen and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 6180, 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. 6514, by Senators Kohl-Welles, Hewitt, Holmquist Newbry, Hatfield, King, Schoesler, Keiser, Tom and Kline

Modifying the definition of qualifying farmers markets for the purposes of serving and sampling beer and wine.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6514.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6514 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dansel, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, Liias, Padden, Parlette and Pearson

Excused: Senator Baumgartner

SENATE BILL NO. 6514, 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 Sheldon, President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6248, by Senators Pearson, Benton and O'Ban

Making the unlawful possession of instruments of financial fraud a crime.

The measure was read the second time.

MOTION

Senator Liias moved that the following amendment by Senators Liias and Kline be adopted:

On page 1, after line 4, insert the following:

"NEW SECTION. Sec. 1. The legislature finds that financial fraud is being committed with more sophisticated devices including electronic devices. The narrow intent of this act is to combat financial fraud only and not to address other uses by electronic or wireless devices."

Renumber the remaining sections consecutively.

Senators Liias and Pearson spoke in favor of adoption of the amendment.

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The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Liias and Kline on page 1, after line 4 to Senate Bill No. 6248.

The motion by Senator Liias 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 "9A.56.320;" insert "creating a new section;"

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 6248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Kline 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 Senate Bill No. 6248.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6248 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senator Baumgartner

ENGROSSED SENATE BILL NO. 6248, 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. 6093, by Senators Rolfes, Dammeier, Billig, Kohl-Welles and McAuliffe

Allowing valid portable background check clearance cards issued by the department of early learning to be used by certain educational employees and their contractors for purposes of their background check requirements.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6093.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6093 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6093, 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 Fain, Padden, Sheldon, O'Ban, Becker, Dammeier, Brown, Honeyford, Hill and Benton

Concerning the termination of basic food benefits to incarcerated persons.

MOTIONS

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

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

Senator Fain spoke in favor of passage of the bill.

Senator Darneille spoke against passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Fraser, Frockt, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy and Nelson

Excused: Senator Baumgartner

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.

MOTION

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

THIRD READING

SENATE BILL NO. 5158, by Senators Braun, Holmquist Newbry, Becker, Bailey, Roach, Sheldon, Dammeier, Schoesler and Honeyford.

Creating a good faith defense for certain minimum wage and overtime compensation complaints.

The bill was read on Third Reading.

Senators Braun, Padden, Holmquist Newbry and Ericksen spoke in favor of passage of the bill.

Senators Nelson, Frockt, Pedersen, Conway, Keiser, Hasegawa, Cleveland, McCoy, Ranker, Chase, Liias and Fraser spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Fain: "I was wondering if Senator Fraser has already spoken on this issue."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "I don't believe that she has. Senator Fraser please continue."

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5158.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 5158, 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 resumed the chair.

SECOND READING

SENATE BILL NO. 6279, by Senators Kline, Padden, O'Ban, Pedersen and Tom

Creating effective and timely access to magistrates for purposes of reviewing search warrant applications.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 6279 was substituted for Senate Bill No. 6279 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6279.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6279 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6279, 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. 6242, by Senators King, Rolfes, Litzow, Billig, Fain, Chase and McAuliffe

Concerning waivers from the one hundred eighty-day school year requirement.

MOTION

On motion of Senator King, Substitute Senate Bill No. 6242 was substituted for Senate Bill No. 6242 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, beginning on line 20, after "with" strike "student populations of up to five hundred students" and insert "fewer than five hundred full-time equivalent students on October 1st of the school year in which the request is made"

Senators Rolfes and King 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 Rolfes and King on page 2, line 20 to Substitute Senate Bill No. 6242.

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

MOTION

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On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Rolfes 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. 6242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darnelle, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6242, 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. 5972, by Senators Pearson, Rolfes, Hargrove, Mullet, Sheldon, Hewitt, Cleveland, Honeyford, Fain, Hill, Braun, Fraser, Litzow, Parlette, Frockt and Kline

Specifying recovery for fire damages to public or private forested lands.

MOTION

On motion of Senator Pearson, Substitute Senate Bill No. 5972 was substituted for Senate Bill No. 5972 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.04 RCW to read as follows:

(1) The owner of public or private forested lands may bring a civil action in superior court for property damage to public or private forested lands, including real and personal property on those lands, when the damage results from a fire that started on or spread from public or private forested lands.

(2) Liability under this section attaches to the extent that evidence demonstrates that:

(a) An action or inaction by a person relating to the start or spread of the fire from public or private forested lands constituted negligence or a higher degree of fault; and

(b) The action or inaction under (a) of this subsection was a proximate cause of the property damage.

(3) Recoverable damages under this section are limited to:

(a) Either: (i) The difference in the fair market value of the damaged property immediately before and after the fire. For real property, the state-certified general real estate appraiser must identify and analyze all relevant characteristics and uses of the property including cultural, recreational, and environmental characteristics and uses, to the extent such characteristics or uses contribute to the fair market value of the property based on the highest and best use of the property. The state-certified general real estate appraiser shall expressly address the assumptions and conditions used to evaluate such characteristics and uses, consistent with standards of professional appraisal practice adopted under chapter 18.140 RCW; or (ii) the reasonable cost of restoring the damaged property to the general condition it was in immediately before the fire. However, recovery for the cost of restoration may not exceed the difference in the fair market value of the damaged property immediately before and after the fire;

(b) The reasonable expenses incurred to suppress or extinguish the fire unless otherwise provided for in this chapter; and

(c) Any other objectively verifiable monetary loss, that is not duplicative of the recovery specified under (a) or (b) of this subsection including, but not limited to: Out-of-pocket expenses; loss of earnings; loss of use of property; or loss of business or employment opportunities. Such loss must be established by evidence of prefire investments, income, expenses, or contracts specific to the damaged property.

(4) This section provides the exclusive cause of action for property damage to public or private forested lands, including real and personal property on those lands, resulting from a fire that started on or spread from public or private forested lands.

(5) The definitions in this subsection only apply throughout this section relating to the specification of damages for fire damage to public and private forested lands, unless the context clearly requires otherwise, and do not apply to and are not intended as a source for interpretation of other sections of this chapter.

(a) "Fair market value" means the amount that a willing buyer would pay to a willing seller for property in an arms-length transaction if both parties were fully informed about all advantages and disadvantages of the property and neither party is acting under a compulsion to sell, as determined by: (i) For real property, a state-certified general real estate appraiser as defined under RCW 18.140.010; and (ii) for personal property, an appraiser qualified to appraise the property based on training and experience. For real property, the state-certified general real estate appraiser must identify and analyze all relevant characteristics and uses of the property including cultural, recreational, and environmental characteristics and uses, to the extent such characteristics or uses contribute to the fair market value of the property based on the highest and best use of the property. The state-certified general real estate appraiser shall expressly address the assumptions and conditions used to evaluate such characteristics and uses, consistent with standards of professional appraisal practice adopted under chapter 18.140 RCW.

(b) "Forest tree species" means a tree species that is capable of producing logs, fiber, or other wood materials that are suitable for the production of lumber, sheeting, pulp, firewood, or other forest products.

(c) "Owner of public or private forested lands" means any person in actual control of public or private forested lands, whether the control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on the land in any manner.

(d) "Person" includes: An individual; a corporation; a public or private entity or organization; a local, state, or federal government or governmental entity; any business organization, including

corporations and partnerships; or a group of two or more individuals acting with a common purpose.

(e) "Public or private forested lands" means any lands used or biologically capable of being used for growing forest tree species regardless of the existing use of the land except when the predominant physical use of the land at the time of the fire is not consistent with the growing, conservation, or preservation of forest tree species. Examples of inconsistent uses include, but are not limited to, buildings, airports, parking lots, mining, solid waste disposal, cropfields, orchards, vineyards, pastures, feedlots, communication sites, and home sites that may include up to ten acres. Public or private forested lands do not include state highways, county roads, railroad rights-of-way, and utility rights-of-way that cross over, under, or through such lands.

Sec. 2. RCW 4.24.040 and 2009 c 549 s 1001 are each amended to read as follows:

Except as provided in section 1 of this act, if any person shall for any lawful purpose kindle a fire upon his or her own land, he or she shall do it at such time and in such manner, and shall take such care of it to prevent it from spreading and doing damage to other persons' property, as a prudent and careful person would do, and if he or she fails so to do he or she shall be liable in an action on the case to any person suffering damage thereby to the full amount of such damage.

Sec. 3. RCW 4.24.060 and 2011 c 336 s 93 are each amended to read as follows:

The common law right to an action for damages done by fires, is not taken away or diminished by RCW 4.24.040, 4.24.050, and 4.24.060(~~(, but it may be pursued; but)~~). However:

(1) Any person availing himself or herself of the provisions of RCW 4.24.040, shall be barred of his or her action at common law for the damage so sued for(~~and~~);

(2) No action shall be brought at common law for kindling fires in the manner described in RCW 4.24.050(~~(, but)~~). However, if any such fires shall spread and do damage, the person who kindled the (~~same~~) fire and any person present and concerned in driving (~~such~~) the lumber, by whose act or neglect (~~such~~) the fire is suffered to spread and do damage shall be liable in an action on the case for the amount of damages thereby sustained; and

(3) A civil action for property damage to public or private forested lands, including real and personal property on those lands, resulting from a fire that started on or spread from public or private forested lands may be brought only under section 1 of this act.

NEW SECTION. Sec. 4. This act does not: Affect or preclude any action relating to the imposition of criminal or civil penalties as authorized by law; affect or preclude the recovery of fire suppression costs as authorized under chapter 76.04 RCW; affect or preclude an action under RCW 4.24.630 against a person who goes onto the land of another without authorization and wrongfully, intentionally, and unreasonably causes a fire resulting in property damage; affect or preclude an action under chapter 27.44 or 27.53 RCW; or affect the provisions of RCW 76.04.016.

NEW SECTION. Sec. 5. This act applies prospectively only and not retroactively. It applies only to causes of action that arise on or after the effective date of this section."

MOTION

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

On page 2, line 11 of the amendment, after "expenses," strike "or contracts" and insert "contracts, or objectively verifiable monetary value of the prefire use"

Senators Kline, Liias and Frockt spoke in favor of adoption of the amendment to the striking amendment.

Senators Hargrove and Pearson spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Billig, Senator Eide was excused.

The President declared the question before the Senate to be the adoption of the amendment on page 2, line 11 by Senator Kline to the striking amendment to Substitute Senate Bill No. 5972.

The motion by Senator Kline failed and the amendment to the striking amendment was not adopted by voice vote.

Senators Pearson and Liias spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pearson and Hargrove to Substitute Senate Bill No. 5972.

The motion by Senator Pearson 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 "lands;" strike the remainder of the title and insert "amending RCW 4.24.040 and 4.24.060; adding a new section to chapter 76.04 RCW; and creating new sections."

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Parlette and Ranker spoke in favor of passage of the bill.

Senators Liias and Kline 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. 5972.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Darneille, Fraser, Frockt, Hasegawa, Kline, Liias, Litzow, McAuliffe, McCoy, Nelson and Pedersen

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

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Senator Hargrove: “Well thank you. I would like everybody’s attention here because tomorrow at lunch is Hargrove hamburger day so I just wanted to make sure that everybody put that on their calendar. We’re talking at least three pound patties, twelve pieces of bacon, you know, cheddar cheese, sautéed mushrooms and onions. So, we want to make sure that everybody has enough nourishment in order to make it through the end of cut off. I just wanted to announce that for everybody. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Hobbs: “I just want to let everyone know that we do have a defibrillator on site.”

SECOND READING

SENATE BILL NO. 6555, by Senators Litzow, Hill, Tom, Hobbs, Dammeier, Rivers and Fain

Requiring the Washington institute for public policy to conduct systematic reviews of investments in education.

The measure was read the second time.

MOTION

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

On page 2, line 15, after “December 1,” strike “2016” and insert 2019”

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Litzow spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 2, line 15 to Senate Bill No. 6555.

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

MOTION

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

On page 2, beginning on line 27, after “outcomes.” strike all material through “education.” on line 30

Senators Billig and Rolfes spoke in favor of adoption of the amendment.

Senators Litzow and King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 2, line 27 to Senate Bill No. 6555.

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

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, Hargrove, Rolfes and Kohl-Welles spoke in favor of passage of the bill.

Senators McAuliffe and Frockt spoke against passage of the bill.

Senator McCoy spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6555.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6555 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Dammeier, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, O’Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Cleveland, Conway, Dansel, Darneille, Frockt, Hasegawa, Kline, Liias, McAuliffe, McCoy, Nelson and Padden

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6555, 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 Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR’S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 6286, by Senators Rivers, Dammeier, Hobbs, Honeyford, Hatfield, Fraser and Roach

Concerning current use valuation for land primarily used for commercial horticultural purposes.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 6286 was substituted for Senate Bill No. 6286 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 5, line 3, after "subsection.", delete everything from "land" through "resale." on line 5, and insert the following: "As used under this subsection (h) "commercial horticultural purposes" does not include the storage, care, or selling of plants purchased from other growers for resale. "Farm and agricultural land" does not include land used primarily to grow plants in containers if more than twenty percent of the land is covered by a permanent impervious surface such as asphalt or concrete.

Senators Ranker and Rivers 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 Rivers on page 5, line 3 to Substitute Senate Bill No. 6286.

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

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Rivers yield to a question? 'Impervious surface,' does that include a greenhouse that is on top of the land? Is that impervious surface?"

Senator Rivers: "Yes."

Senator Honeyford: "So, these big greenhouse operations will not be able to have a tax incentive?"

Senator Rivers: "It's the underlying pavement that..."

Senator Honeyford: "Is that specified in the bill?"

Senator Rivers: "Yes it is."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Dansel, Ericksen, Honeyford and Lias

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6286, 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. 5958, by Senators McAuliffe, Hargrove, Rolfes, Mullet, Hasegawa, Chase, McCoy, Fraser, Kline, Fain, Hill, Keiser, King and Rivers

Concerning accountability in providing opportunities for certain students to participate in transition services.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5958 was substituted for Senate Bill No. 5958 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Fain 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. 5958.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5958 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SECOND SUBSTITUTE SENATE BILL NO. 5958, 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. 5975, by Senators Conway, Bailey, Braun, Hobbs, Rolfes and McAuliffe

Concerning the veterans innovations program.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5975.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy,

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Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Dansel

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5975, 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 Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, by Senate Committee on Transportation (originally sponsored by Senators Ericksen, Rolfes, King, Ranker and Eide).

Modifying requirements for the display and replacement of license plates.

The bill was read on Third Reading.

MOTION

On motion of Senator Ericksen, the rules were suspended and Engrossed Substitute Senate Bill No. 5785 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, by Senate Committee on Transportation (originally sponsored by Senators Ericksen, Rolfes, King, Ranker and Eide)

Modifying requirements for the display and replacement of license plates.

The measure was read the second time.

MOTION

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

On page 10, after line 28, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

Any additional revenue that is generated as a result of this act, as determined by the transportation revenue forecast council, must be used for the preservation of bridges on state highways.

Sec. 8. RCW 46.68.030 and 2011 c 171 s 85 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$20.35 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created.

(i) Except as provided in (a)(ii) of this subsection, vehicle license fees, renewal vehicle license fees, and all other funds in the state

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patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(ii) Funds deposited into the state patrol highway account pursuant to section 7 of this act must be used for bridge preservation.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

Sec. 9. RCW 46.68.070 and 1972 ex.s. c 103 s 6 are each amended to read as follows:

There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030. Additionally, proceeds deposited into the motor vehicle fund pursuant to section 7 of this act must be used for bridge preservation.

Sec. 10. RCW 46.68.170 and 2013 c 306 s 705 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW, and, pursuant to section 7 of this act, for bridge preservation. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 11. RCW 46.68.280 and 2003 c 361 s 601 are each amended to read as follows:

(1)(a) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund.

(b) Money in the account may be spent only after appropriation.

(c) Except as provided in (d) of this subsection, expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(d) Proceeds deposited into the account pursuant to section 7 of this act must be used for bridge preservation.

(2) The "nickel account" means the transportation 2003 account.

Sec. 12. RCW 46.68.290 and 2006 c 337 s 5 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the

projects or improvements, and, pursuant to section 7 of this act, for bridge preservation.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

Sec. 13. RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

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(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system, and, pursuant to section 7 of this act, for bridge preservation.

Sec. 14. RCW 47.66.070 and 2000 2nd sp.s. c 4 s 2 are each amended to read as follows:

The multimodal transportation account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation purposes, and, pursuant to section 7 of this act, for bridge preservation."

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

On page 1, line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16A.200, 46.16A.020, 46.17.200, 46.18.130, 46.68.030, 46.68.070, 46.68.170, 46.68.280, 46.68.290, 47.60.530, and 47.66.070; reenacting and amending RCW 46.16A.110 and 46.18.140; adding a new section to chapter 46.68 RCW; and creating a new section.

POINT OF ORDER

Senator Padden: "Mr. President, the underlying bill deals with the display and replacement of license plates and primarily modifies Chapter 46. Whereas the amendment offered by the gentleman from the Twenty-First District not only has a brand new title but goes into Chapter 47 and also deals with the purpose of revenue and where that revenue is going; makes changes, in addition, to State Patrol Highway account; the RV account; transportation partnership account; Puget Sound ferry account. All of these are new items and believe changes the scope and object of the original bill."

Senator Lias spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute Senate Bill No. 5785 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6458, by Senators Becker, Angel, Dammeier, Brown, Tom, Schoesler, Bailey, Braun, Hill, Baumgartner, Litzow, Parlette and Honeyford

Repealing provisions that establish the office of the insurance commissioner and replacing that office with a Washington state insurance board.

The measure was read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker, Pedersen and Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.02.060 and 2010 c 27 s 1 are each amended to read as follows:

(1) The commissioner has the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner must execute his or her duties and must enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. Rules are not effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) When the governor proclaims a state of emergency under RCW 43.06.010(12), the commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state:

(a) Reporting requirements for claims;

(b) Grace periods for payment of insurance premiums and performance of other duties by insureds;

(c) Temporary postponement of cancellations and nonrenewals; and

(d) Medical coverage to ensure access to care.

(5) An order by the commissioner under subsection (4) of this section may remain effective for not more than sixty days unless the commissioner extends the termination date for the order for an additional period of not more than thirty days. The commissioner may extend the order if, in the commissioner's judgment, the circumstances warrant an extension. An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) The geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) The date on which the order becomes effective and the date on which the order terminates.

(6) The commissioner may adopt rules that establish general criteria for orders issued under subsection (4) of this section and may adopt emergency rules applicable to a specific proclamation of a state of emergency by the governor.

(7) The rule-making authority set forth in subsection (6) of this section does not limit or affect the rule-making authority otherwise granted to the commissioner by law.

(8) In addition to the requirements of the administrative procedure act established in chapter 34.05 RCW, the commissioner must provide notice of proposed rule making on matters related to health care insurance to the health care committees of the legislature, the health benefit exchange established under chapter 43.71 RCW, the health care authority established under chapter 41.05 RCW, and the governor. If any of these parties have concerns or object to the proposed rule making, the health care committee chairs of the legislature may notify the joint administrative rules review committee established in RCW 34.05.610 and request the application of RCW 34.05.620, 34.05.630, and 34.05.640.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker, Pedersen and Sheldon to Senate Bill No. 6458.

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

MOTION

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

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "the office of the insurance commissioner and matters related to health care insurance; amending RCW 48.02.060."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 6458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Pedersen and Parlette spoke in favor of passage of the bill.

Senator Hobbs spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Would Senator Becker yield to a question? The question I have here is trying to understand the scope of what we're talking about here in this bill. It seems like notice of proposed rule-making on matters related to health care insurance. That seems to be awfully broad to me in terms of, and I don't know what your intent is here. Is this rule-making dealing with the review of insurance policies? Insurance Commissioner has broad authority here. And I'm just curious, what are we talking about in this particular phrase; 'matters related to health care insurance?'"

Senator Becker: "Senator Conway, I'm not one hundred percent clear of your question but here's the intent. We don't want it to be for life, you know, policies, other type of insurance policies. We're just addressing the health care policies, or rule-making authority."

Senator Conway spoke against passage of the bill.

Senator Rolfes spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6458.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6458 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Lias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy, Nelson, Ranker and Rolfes

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6458, 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 Padden, the objection raised by Senator Padden earlier in the day to the amendment on page 10, after line 28 by Senator Lias to Engrossed Substitute Senate Bill No. 5785 was withdrawn.

The Senate resumed consideration of Engrossed Substitute Senate Bill no. 5785 which had been deferred earlier in the day.

Senator Lias spoke in favor of adoption of the amendment.

Senators King and Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Lias on page 10, after line 28 to Engrossed Substitute Senate Bill No. 5785.

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

MOTION

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

On page 10, line 30, after "January 1," strike "2014" and insert "2015"

Senator Ericksen 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 Ericksen on page 10, line 30 to Engrossed Substitute Senate Bill No. 5785.

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

MOTION

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

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

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5785.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Frockt be adopted:

SECOND READING

On page 1, line 9, after "~~((Three))~~", strike "Five", and insert "Six"

SENATE BILL NO. 5467, by Senators King, Eide, Litzow and Harper

On page 1, line 13, after "~~(Four)~~", strike "Six", and insert "Five"

Conforming vehicle owner list furnishment requirements with federal law. Revised for 1st Substitute: Concerning vehicle owner list furnishment requirements.

Senators Kohl-Welles and Bailey spoke in favor of adoption of the amendment.

MOTIONS

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Frockt on page 1, line 9 to Second Substitute Senate Bill No. 6423.

On motion of Senator King, Substitute Senate Bill No. 5467 was substituted for Senate Bill No. 5467 and the substitute bill was placed on the second reading and read the second time.

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

MOTION

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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

Senators Bailey, Kohl-Welles and Frockt spoke in favor of passage of the bill.

Senator Rolfes spoke against passage of the bill.

Senators Hasegawa and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5467.

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

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, King, Kline, Liias, Litzow, Mullet, O'Ban, Parlette, Pedersen, Ranker, Roach, Schoesler and Tom

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Dansel, Darneille, Frockt, Hargrove, Hasegawa, Honeyford, Keiser, Kohl-Welles, McAuliffe, McCoy, Nelson, Padden, Pearson, Rivers, Rolfes and Sheldon

Voting nay: Senators Chase and Hasegawa

Excused: Senators Baumgartner and Eide

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5467, 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.

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

SECOND READING

SECOND READING

SENATE BILL NO. 6423, by Senators Bailey, Kohl-Welles, Litzow, McAuliffe, Dammeier, Frockt, Fain, Mullet, Chase and Tom

SENATE BILL NO. 6126, by Senators O'Ban, Darneille, Becker, Tom, Fraser, Pedersen, Kline, Pearson, Kohl-Welles, Braun and Frockt

Changing provisions relating to the opportunity scholarship.

Concerning representation of children in dependency matters.

MOTION

MOTION

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

On motion of Senator O'Ban, Second Substitute Senate Bill No. 6126 was substituted for Senate Bill No. 6126 and the second

substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment by Senator O'Ban and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that many children languish in foster care following the termination of the parent and child relationship. These children have legal rights but no longer have a parent or advocate to represent their unique interests to the court. The legislature finds that providing attorneys for children following the termination of the parent and child relationship is fundamental to protecting the child's legal rights and to accelerate permanency.

(2) Although the legislature recognizes that many jurisdictions provide attorneys to children prior to termination of the parent and child relationship, nothing in this act may be construed against the parent's fundamental liberty interest in parenting the child prior to termination of the parent and child relationship as stated in *In re Dependency of K.N.J.*, 171 Wn.2d 568, 574 (2011) and *In re Welfare of Lusier*, 84 Wn.2d 135, 136-37 (1974), unless such a position would jeopardize the child's right to conditions of basic nurture, health, or safety.

Sec. 2. RCW 13.34.100 and 2010 c 180 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by an independent ((counsel)) attorney in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background information record shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) General training related to the guardian ad litem's duties;
- (c) Specific training related to issues potentially faced by children in the dependency system;
- (d) Specific training or education related to child disability or developmental issues;
- (e) Number of years' experience as a guardian ad litem;
- (f) Number of appointments as a guardian ad litem and the county or counties of appointment;
- (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause;
- (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;
- (i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The

background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through ~~((counsel))~~ an attorney, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6)(a) The court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.

The court must appoint an attorney for a child when there is no remaining parent with parental rights for six months or longer prior to the effective date of this section if the child is not already represented.

The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.

(b) Legal services provided by an attorney appointed pursuant to (a) of this subsection do not include representation of the child in any appellate proceedings relative to the termination of the parent and child relationship.

(c)(i) Subject to the availability of amounts appropriated for this specific purpose, the state may pay the costs of legal services provided by an attorney appointed pursuant to (a) of this subsection, if the legal services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits must be calculated pursuant to (c)(ii) of this subsection.

(ii) Counties are encouraged to set caseloads as low as possible and to account for the individual needs of the children in care. Notwithstanding the caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010, when one attorney represents a sibling group, the first child is counted as one case, and each child thereafter is counted as one-half case to determine compliance with

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the caseload standards pursuant to (c)(i) of this subsection and section 3 of this act.

(iii) The office of civil legal aid is responsible for implementation of (c)(i) and (ii) of this subsection as provided in section 3 of this act.

(7)(a) The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department.

(b) If the court has not already appointed an attorney for a child, or the child is not represented by a privately retained attorney:

(i) The child's caregiver, or any individual, may refer the child to an attorney for the purposes of filing a motion to request appointment of an attorney at public expense; or

(ii) The child or any individual may retain an attorney for the child for the purposes of filing a motion to request appointment of an attorney at public expense.

(c) Pursuant to this subsection, the department or supervising agency and the child's guardian ad litem shall each notify a child of his or her right to request ((counsel)) an attorney and shall ask the child whether he or she wishes to have ((counsel)) an attorney. The department or supervising agency and the child's guardian ad litem shall notify the child and make this inquiry immediately after:

(i) The date of the child's twelfth birthday;

(ii) Assignment of a case involving a child age twelve or older; or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010.

((b)) (d) The department or supervising agency and the child's guardian ad litem shall repeat the notification and inquiry at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships.

((e)) (e) The notification and inquiry is not required if the child has already been appointed ((counsel)) an attorney.

((f)) (f) The department or supervising agency shall note in the child's individual service and safety plan, and the guardian ad litem shall note in his or her report to the court, that the child was notified of the right to request ((counsel)) an attorney and indicate the child's position regarding appointment of ((counsel)) an attorney.

((g)) (g) At the first regularly scheduled hearing after:

(i) The date of the child's twelfth birthday;

(ii) The date that a dependency petition is filed pursuant to this chapter on a child age twelve or older; or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010;

the court shall inquire whether the child has received notice of his or her right to request ((legal counsel)) an attorney from the department or supervising agency and the child's guardian ad litem. The court shall make an additional inquiry at the first regularly scheduled hearing after the child's fifteenth birthday. No inquiry is necessary if the child has already been appointed ((counsel)) an attorney.

((f) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

—(7)) (8) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to this section shall be deemed a guardian ad litem ((to represent the best interests of the minor in proceedings before the court)).

((8)) (9) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends. The program shall

attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

((9)) (10) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

NEW SECTION. Sec. 3. A new section is added to chapter 2.53 RCW to read as follows:

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to RCW 13.34.100 must be administered by the office of civil legal aid established under RCW 2.53.020.

(2) The office of civil legal aid may enter into contracts with the counties to disburse state funds for an attorney appointed pursuant to RCW 13.34.100. The office of civil legal aid may also require a county to use attorneys under contract with the office for the provision of legal services under RCW 13.34.100 to remain within appropriated amounts.

(3) Prior to distributing state funds under subsection (2) of this section, the office of civil legal aid must verify that attorneys providing legal representation to children under RCW 13.34.100 meet the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits described in this subsection must be determined as provided in RCW 13.34.100(6)(c)(ii).

NEW SECTION. Sec. 4. This act takes effect July 1, 2014."

Senator O'Ban 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 O'Ban and others to Second Substitute Senate Bill No. 6126.

The motion by Senator O'Ban 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 "matters;" strike the remainder of the title and insert "amending RCW 13.34.100; adding a new section to chapter 2.53 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Darneille, Hargrove and Roach 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. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6126, 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. 6272, by Senators Hewitt, Conway, Holmquist Newbry, King, Fain, Hobbs, Hasegawa, Cleveland, Rolfes, Hill, Rivers, Dammeier, Keiser, Kohl-Welles and Angel

Concerning manufacturer and new motor vehicle dealer franchise agreements.

MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6272 was substituted for Senate Bill No. 6272 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.70.045 and 1997 c 432 s 2 are each amended to read as follows:

The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, ~~((and))~~ the director finds that the application was not filed in good faith, or the issuance of a new license or subagency would cause a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, to be in violation of chapter 46.96 RCW. This section does not preclude the department from taking an action against a current licensee.

"**Sec. 2.** RCW 46.96.020 and 2003 c 21 s 1 are each amended to read as follows:

In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply only for the purposes of this chapter.

(1) A "new motor vehicle" is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) "New motor vehicle dealer" means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, ~~((the term))~~ "new motor vehicle dealer" does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011~~((3))~~ (17)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) "Franchise" means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

"Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) "Good faith" means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) "Designated successor" means:

(a) The spouse, biological or adopted child, stepchild, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) "Owner" means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(8) "Completed vehicle" means a vehicle that requires no further manufacturing operations to perform its intended function.

(9) "Dealer management computer system" means a computer hardware and software system that is owned or leased by a new motor vehicle dealer, including the dealer's use of internet applications, software, or hardware, whether located at an existing dealership facility or provided at a remote location, that provides access to customer records and transactions by a motor vehicle dealer located in this state, and that allows the new motor vehicle dealer timely information in order to sell vehicles, parts, or services through the existing dealership facility.

(10) "Dealer management computer system vendor" means a seller or reseller of dealer management computer systems, to the extent that the seller or reseller is engaged in such activities.

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(11) "Final-stage manufacturer" means a person who purchases an incomplete vehicle from a licensed motor vehicle dealer and performs such manufacturing operations that the incomplete vehicle becomes a completed vehicle.

(12) "Incomplete vehicle" means an assemblage consisting of, at a minimum, chassis (including the frame) structure, power train, steering system, suspension system, and braking system, in the state that those systems are to be part of the completed vehicle, but requires further manufacturing operations to become a completed vehicle.

(13) "Security breach" means an incident of unauthorized access to and acquisition of records or data containing new motor vehicle dealer or dealer customer information where unauthorized use of the dealer's customer or dealer information has occurred or is reasonably likely to occur or that creates a material risk of harm to the dealer or dealer's customer. Any incident of unauthorized access to and acquisition of records or data containing dealer or dealer customer information, or any incident of disclosure of dealer customer information to one or more third parties that has not been specifically authorized by the dealer or dealer's customer, constitutes a security breach.

Sec. 3. RCW 46.96.060 and 1989 c 415 s 6 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in RCW 46.96.070(2) (a) through (d), good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) If the new motor vehicle dealer claims insufficient allocation, a manufacturer does not have good cause for termination, cancellation, or nonrenewal, unless:

(a) The manufacturer or distributor allocated sufficient inventory in the new motor vehicle dealer's primary allocation, both in quantity and product mix, for the dealers' assigned market area. The inventory must have been delivered in a manner that allowed the dealer to reasonably meet the manufacturer's performance standards; and

(b) The manufacturer provides to the new motor vehicle dealer,

upon the dealers' request, documentation sufficient to develop a market analysis. This documentation must include, but is not limited to, the allocation of inventory to the dealer and other dealers in the same zone during the period established by the manufacturer, and must not be shared by the dealer with any party not involved in preparing a market analysis or otherwise engaged in the termination proceeding.

(3) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

Sec. 4. RCW 46.96.080 and 2009 c 12 s 1 are each amended to read as follows:

(1) Upon the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings purchased from the manufacturer or manufacturer-approved vendor.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2)(a) For the nonrenewal or termination of a franchise that is implemented as a result of the sale of assets or stock of the motor vehicle dealer, the party purchasing the assets or stock of the motor vehicle dealer may negotiate for the purchase or other transfer of some or all unused, undamaged, and unsold new motor vehicles in the selling new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the

same line make in the ordinary course of business within the previous twelve months.

(b) For the nonrenewal or termination of a franchise that is implemented as a result of the sale of assets or stock of the motor vehicle dealer, this section does not prohibit a manufacturer from negotiating with the purchasing party for the purchase or other transfer of some or all unused, undamaged, and unsold new motor vehicles in the selling new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months.

(c) A manufacturer's obligation under (a) of this subsection extends only to vehicles not purchased or otherwise transferred to the party purchasing the assets or stock of the motor vehicle dealer.

(3) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section (a) within ninety days after the termination, cancellation, or nonrenewal of the franchise, if the new motor vehicle dealer has clear title to the property or can provide clear title to the property upon payment by the manufacturer and is in a position to convey that title to the manufacturer, or (b) on the date of delivery of the assets to the manufacturer, whichever is earlier.

(4) In the case of motor homes, this section applies only to manufacturer-initiated termination, cancellation, or nonrenewal of a franchise.

Sec. 5. RCW 46.96.090 and 2010 c 178 s 3 are each amended to read as follows:

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under RCW 46.96.070(2) or a voluntary termination, cancellation, or nonrenewal initiated by the dealer, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer the dealer costs for any relocation, substantial alteration, or remodeling of a dealer's facilities required by a manufacturer for the granting of a franchise or the continuance or renewal of a franchise agreement completed within three years of the termination, cancellation, or nonrenewal and:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If the rental payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

Sec. 6. RCW 46.96.105 and 2010 c 178 s 4 are each amended to read as follows:

(1) Each manufacturer shall specify in its franchise agreement, or in a separate written agreement, with each of its dealers licensed in this state, the dealer's obligation to perform warranty work or service on the manufacturer's products. Each manufacturer shall provide each of its dealers with a schedule of compensation to be paid to the dealer for any warranty work or service, including parts, labor, and diagnostic work, required of the dealer by the manufacturer in connection with the manufacturer's products. The schedule of compensation must not be less than the rates charged by the dealer for similar service to retail customers for nonwarranty

service and repairs, and must not be less than the schedule of compensation for an existing dealer as of June 10, 2010.

(a) The rates charged by the dealer for nonwarranty service or work for parts means the price paid by the dealer for those parts, including all shipping and other charges, increased by the franchisee's average percentage markup. A dealer must establish and declare the dealer's average percentage markup by submitting to the manufacturer one hundred sequential customer-paid service repair orders or ninety days of customer-paid service repair orders, whichever is less, covering repairs made no more than one hundred eighty days before the submission. A change in a dealer's established average percentage markup takes effect thirty days following the submission. A manufacturer may not require a dealer to establish average percentage markup by another methodology. A manufacturer may not require information that the dealer believes is unduly burdensome or time consuming to provide, including, but not limited to, part-by-part or transaction-by-transaction calculations. In calculating the retail rate customarily charged by the dealer for parts and labor, the following work must not be included in the calculation:

(i) Repairs for manufacturer or distributor special events, specials, or promotional discounts for retail customer repairs;

(ii) Parts sold at wholesale or at reduced or specially negotiated rates for insurance repairs;

(iii) Routine maintenance not covered under warranty, such as fluids, filters, and belts not provided in the course of repairs;

(iv) Nuts, bolts, fasteners, and similar items that do not have an individual part number;

(v) Tires;

(vi) Batteries and light bulbs; and

(vii) Vehicle reconditioning.

(b) A manufacturer shall compensate a dealer for labor and diagnostic work at the rates charged by the dealer to its retail customers for such work and for any documentation work required by the manufacturer to authorize or verify the work including, but not limited to, photographs, paperwork, and electronic data entry. However, a manufacturer is not required to compensate a dealer more than once for the same documentation work. If a manufacturer can demonstrate that the rates unreasonably exceed those of all other franchised motor vehicle dealers in the same relevant market area offering the same or a competitive motor vehicle line, the manufacturer is not required to honor the rate increase proposed by the dealer. If the manufacturer is not required to honor the rate increase proposed by the dealer, the dealer is entitled to resubmit a new proposed rate for labor and diagnostic work.

(c) A dealer may not be granted an increase in the average percentage markup or labor and diagnostic work rate more than ~~((twice))~~ once in one calendar year.

(2) All claims for warranty work for parts and labor made by dealers under this section ~~((shall))~~ must be submitted to the manufacturer within ~~((one year))~~ ninety days of the date the work was performed. All claims submitted must be paid by the manufacturer within thirty days following receipt, provided the claim has been approved by the manufacturer. The manufacturer has the right to audit claims for warranty work and to charge the dealer for any unsubstantiated, incorrect, or false claims for a period of ~~((one year))~~ nine months following payment. However, the manufacturer may audit and charge the dealer for any fraudulent claims during any period for which an action for fraud may be commenced under applicable state law.

(3) All claims submitted by dealers on the forms and in the manner specified by the manufacturer shall be either approved or disapproved within thirty days following their receipt. The manufacturer shall notify the dealer in writing of any disapproved claim, and shall set forth the reasons why the claim was not

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approved. Any claim not specifically disapproved in writing within thirty days following receipt is approved, and the manufacturer is required to pay that claim within thirty days of receipt of the claim.

(4) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for warranty parts and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

Sec. 7. RCW 46.96.185 and 2010 c 178 s 6 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

(f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(g) Compete with a new motor vehicle dealer of any make or line by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary

operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection (1)(g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection (1)(g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; ((e))

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or

control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(vi) A final-stage manufacturer to own, operate, or control a new motor vehicle dealership; or

(vii) A manufacturer that held a vehicle dealer license in this state on January 1, 2014, to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer, or to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines;

(h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

(j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor; (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate and the relocation must comply with RCW 46.96.140 and 46.96.150 for any same make or line facility; or (D) the failure of a franchisee to change the location of the dealership or to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not

exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest;

(k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof. Except for a program or any renewal or modification of a program that is in effect with one or more new motor vehicle dealers in this state on the effective date of this section, a manufacturer shall not require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, standard, or otherwise to change the location of the dealership or construct, replace, renovate, or make any substantial changes, alterations, or remodeling to a new motor vehicle dealer's sales or service facilities, except as necessary to comply with health or safety laws or to comply with technology requirements without which a dealer would be unable to service a vehicle the dealer has elected to sell, before the tenth anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(i) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(ii) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed change in the executive management, the manufacturer or distributor shall give written notice of its reasons to the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved; ~~((#))~~

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to

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purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars;

(o) Fail to provide to a new motor vehicle dealer purchasing or leasing building materials or other facility improvements the right to purchase or lease franchisor image elements of like kind and quality from an alternative vendor selected by the dealer if the goods or services are to be supplied by a vendor selected, identified, or designated by the manufacturer or distributor. If the vendor selected by the manufacturer or distributor is the only available vendor of like kind and quality materials, the new motor vehicle dealer must be given the opportunity to purchase the franchisor image elements at a price substantially similar to the capitalized lease costs of the elements. This subsection (1)(o) must not be construed to allow a new motor vehicle dealer or vendor to gain additional intellectual property rights they are not otherwise entitled to or to impair or eliminate the intellectual property rights of the manufacturer or distributor or to permit a new motor vehicle dealer to erect or maintain signs that do not conform to the reasonable intellectual property usage guidelines of the manufacturer or distributor;

(p) Take any adverse action against a new motor vehicle dealer including, but not limited to, charge backs or reducing vehicle allocations, for sales and service performance within a designated area of primary responsibility unless that area is reasonable in light of proximity to relevant census tracts to the dealership and competing dealerships, highways and road networks, state borders, any natural or man-made barriers, demographics, including economic factors, and buyer behavior information; or

(q) Require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard, or otherwise to order or accept delivery of any service or repair appliances, equipment, parts, or accessories, or any other commodity not required by law, which the dealer has not voluntarily ordered or which the dealer does not have the right to return unused for a full refund within ninety days or a longer period as mutually agreed upon by the dealer and manufacturer.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

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(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, whenever any manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor, or any third party acting on behalf of or through, or approved, referred, endorsed, authorized, certified, granted preferred status, or recommended by, any manufacturer, factory branch, distributor, distributor branch, or dealer management computer system vendor, requires that a new motor vehicle dealer provide any other new motor vehicle dealer, consumer, or customer data or information through direct access to the dealer's management computer system, the new motor vehicle dealer is not required to provide, and may not be required to consent to provide in any written agreement, such direct access to its management computer system.

However, the new motor vehicle dealer may provide any other new motor vehicle dealer, consumer, or customer data or information specified by the requesting party by timely obtaining and pushing or otherwise furnishing the requested data to the requesting party in a widely accepted file format, such as comma delimited, provided that when a new motor vehicle dealer would otherwise be required to provide direct access to its management computer system under the terms of a consent, authorization, release, novation, franchise, or other contract or agreement, a new motor vehicle dealer that elects to provide data or information through other means may be charged a reasonable initial set-up fee and reasonable processing fee based on the actual incremental costs incurred by the party requesting the data for establishing and implementing the process for the dealer. Any term or provision contained in any consent, authorization, release, novation, franchise, or other contract or agreement that is inconsistent with this subsection is voidable at the option of the new motor vehicle dealer.

(2) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, every manufacturer, factory branch, distributor, distributor branch, or any third party acting on behalf of or through any manufacturer, factory branch, distributor, or distributor branch, having electronic access to consumer or customer data or other information in a computer system utilized by a new motor vehicle dealer, or who has otherwise been provided consumer or customer data or information by the dealer, shall fully indemnify and hold harmless the dealer from whom it has acquired the consumer or customer data or other information from all damages, costs, and expenses incurred by the dealer including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches, and attorneys' fees arising out of complaints, claims, security

breaches, civil or administrative actions, and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the manufacturer, factory branch, distributor, distributor branch, or third party acting on behalf of the manufacturer, factory branch, distributor, or distributor branch's access, storage, maintenance, use, sharing, disclosure, or retention of the dealer's consumer or customer data or other information, or maintenance or services provided to any computer system utilized by the dealer by the manufacturer, factory branch, distributor, distributor branch, or third party acting on behalf of or through the manufacturer, factory branch, distributor, or distributor branch.

(3) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, a dealer management computer system vendor or any third party acting on behalf of or through any dealer management computer system vendor, having electronic access to consumer or customer data or other information in a computer system utilized by a new motor vehicle dealer, or who has otherwise been provided consumer or customer data or information by the dealer, shall fully indemnify and hold harmless the dealer from whom it has acquired the consumer or customer data or other information from all damages, costs, and expenses incurred by the dealer including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches, and attorneys' fees arising out of complaints, claims, security breaches, civil or administrative actions, and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the dealer management computer system vendor or any third party acting on behalf of the dealer management computer system vendor's access, storage, maintenance, use, sharing, disclosure, or retention of the dealer's consumer or customer data or other information, or maintenance or services provided to any computer system utilized by the dealer, by the dealer management computer system vendor or third party acting on behalf of or through the dealer management computer system vendor.

NEW SECTION. Sec. 9. This act applies to all franchises and contracts between manufacturers and new motor vehicle dealers amended, renewed, or entered into after the effective date of this section. For purposes of chapter 46.96 RCW, an agreement between a manufacturer and new motor vehicle dealer entered into after the effective date of this section, addressing any issues governed by chapter 46.96 RCW, is considered an amendment to an existing franchise."

Senator Holmquist Newbry 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 Holmquist Newbry and others to Substitute Senate Bill No. 6272.

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

MOTION

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

On page 1, line 2 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 46.70.045, 46.96.020, 46.96.060, 46.96.080, 46.96.090, 46.96.105, and 46.96.185; adding a new section to chapter 46.96 RCW; and creating a new section."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute Senate Bill No. 6272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Conway and Mullet 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. 6272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:37 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, February 18, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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Messages	9	5958-S2	
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Introduction & 1 st Reading	5	Third Reading Final Passage	26
2610-S		5972	
Messages	1	Second Reading	23
2612-S		5972-S	
Introduction & 1 st Reading	5	Other Action	24
2613-S		Second Reading	23, 24
Messages	1	Third Reading Final Passage	24
2616-S2		5975	
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2626-S		5975-S	
Messages	1	Second Reading	26
2684		Third Reading Final Passage	27
Messages	1	6014	
2694-S2		Second Reading	8
Messages	1	6014-S	
2699-S		Second Reading	8
Messages	1	Third Reading Final Passage	8
2723		6025	
Introduction & 1 st Reading	5	Second Reading	12
2724-S		Third Reading Final Passage	14
Introduction & 1 st Reading	5	6050	
2725-S		Second Reading	12
Messages	1	6050-S	
2739-S		Second Reading	12
Introduction & 1 st Reading	6	Third Reading Final Passage	12
2743-S2		6064	
Messages	1	Second Reading	18
2746-S		6064-S	
Messages	1	Second Reading	18
5020		Third Reading Final Passage	19
Second Reading	14	6079	
5020-S		Second Reading	17
Second Reading	15	Third Reading Final Passage	18
Third Reading Final Passage	15	6093	
5112		Second Reading	21
Other Action	19	Third Reading Final Passage	21
Third Reading	19	6114	
Third Reading Final Passage	19	Second Reading	19
5158		Third Reading Final Passage	20
Third Reading	22	6125	
Third Reading Final Passage	22	Second Reading	16
5467		Third Reading Final Passage	16
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5467-S		Second Reading	31
Second Reading	31	6126-S2	
Third Reading Final Passage	31	Other Action	33
5514		Second Reading	31, 32
Second Reading	8	Third Reading Final Passage	34
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Third Reading	27	6141	
Third Reading Final Passage	30	Second Reading	18
5859		Third Reading Final Passage	18
Second Reading	11	6180	
5859-S		Second Reading	20
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Third Reading Final Passage	11	6206	
5957		Second Reading	10
Second Reading	18	Third Reading Final Passage	10
Third Reading Final Passage	18	6211	
5958		Second Reading	21
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6242		6519	Second Reading	11
Second Reading.....	22		Third Reading Final Passage.....	11
6242-S		6555	Second Reading	25
Second Reading.....	22		Third Reading Final Passage.....	25
Third Reading Final Passage	23	6566	Introduction & 1 st Reading.....	1
6248			Other Action	6
Second Reading.....	20	6567	Introduction & 1 st Reading.....	1
Third Reading Final Passage	21	6568	Introduction & 1 st Reading.....	1
6272		8681	Adopted.....	9
Second Reading.....	34		Introduced	8
6272-S		8682	Adopted.....	7
Second Reading.....	34		Introduced	6
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6272-S2		9235 Frederick Goldberg	Confirmed	7
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6279-S			Intro. Special Guest, Teacher of the Year, Amy Johnson ...	11
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6286			Air Patrol	7
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6286-S			Grange	17
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6423			Reply by the President Pro Tempore.....	22
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6423-S2			Parliamentary Inquiry, Senator Fain	22
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6424			Personal Privilege, Senator Hobbs	25
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