

SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 26, 2013

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2013-4641, by Representatives Santos, Freeman, Johnson, Moscoso, Riccelli, Ryu, Stanford, Tarleton, Morrell, Ormsby, Takko, Ross, Schmick, Bergquist, Morris, Blake, Orwall, Rodne, Warnick, Nealey, Holy, Crouse, Magendanz, Angel, Kretz, Walsh, Chandler, Smith, Parker, Hayes, Manweller, MacEwen, Vick, Short, Haler, Alexander, Klippert, Buys, Dahlquist, Zeiger, Kochmar, Fagan, Wilcox, Pike, and Shea

WHEREAS, Across the country, Catholic schools celebrate the 2013 Catholic Schools Week with the theme: Catholic Schools Raise the Standards; and

WHEREAS, A quality education is the foundation of a child's future, and this week recognizes one of the many types of education choices available to our children; and

WHEREAS, The common good of the state of Washington is strengthened through the continued existence of Catholic schools; and

WHEREAS, Washington state has 27,000 students of diverse backgrounds in ninety-three Catholic schools; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs; and

WHEREAS, With an emphasis on academic excellence and moral values, Catholic schools and their students attain high achievement, including high school graduation rates of more than ninety-nine percent; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save almost twenty billion dollars a year in public school expenses; and

WHEREAS, With a commitment to service, Catholic schools have produced many of our state's and nation's finest leaders, including members of this legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Catholic schools of Washington state and honor their dedication to academic excellence and faith-based instruction during the celebration of Catholic Schools Week; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4641.

HOUSE RESOLUTION NO. 4641 was adopted.

MESSAGE FROM THE SENATE

March 25, 2013

MR. SPEAKER: The Senate has passed HOUSE BILL NO. 1319 and the same is herewith transmitted.

Hunter G. Goodman, Secretary

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

REPORTS OF STANDING COMMITTEES

March 21, 2013

SB 5050 Prime Sponsor, Senator Sheldon: Authorizing registered tow truck operators to carry passengers in a vehicle attached to a flatbed tow truck under certain situations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.625 and 1999 c 398 s 9 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) Except as provided in subsection (3) of this section, no person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010.

(3)(a) A tow truck operator may allow passengers to ride in a vehicle that is carried on the deck of a flatbed tow truck only when the following conditions are met:

(i) The number of people that need to be transported exceeds the seating capacity of the tow truck or a person needing to be transported has a disability that limits that person's ability to enter the tow truck;

(ii) All passengers in the carried vehicle and in the tow truck comply with RCW 46.61.687 and 46.61.688;

(iii) Any passenger under sixteen years of age is accompanied by an adult riding in the same vehicle; and

(iv) There is a way for the passengers in the carried vehicle to immediately communicate, either verbally, audibly, or visually, with the tow truck operator in case of an emergency.

(b) No passenger of such a carried vehicle may exit the carried vehicle, ride outside of the passenger compartment of the carried vehicle, or exhibit dangerous or distracting behaviors while in the carried vehicle."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel; Bergquist; Farrell; Fitzgibbon; Habib; Hayes; Johnson; Klippert;

Kochmar; Kristiansen; Morris; O'Ban; Riccelli; Ryu; Sells; Shea; Takko; Tarleton; Upthegrove and Zeiger.

Passed to Committee on Rules for second reading.

March 21, 2013

SB 5113 Prime Sponsor, Senator Bailey: Concerning the enforcement of speed limits on roads within condominium associations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.419 and 2003 c 193 s 1 are each amended to read as follows:

State, local, or county law enforcement personnel may enforce speeding violations under RCW 46.61.400 on private roads within a community organized under chapter 64.34, 64.32, or 64.38 RCW if:

(1) A majority of the homeowner's association's, association of apartment owners', or condominium association's board of directors votes to authorize the issuance of speeding infractions on its private roads, and declares a speed limit not lower than twenty miles per hour;

(2) A written agreement regarding the speeding enforcement is signed by the homeowner's association, association of apartment owners, or condominium association president and the chief law enforcement official of the city or county within whose jurisdiction the private road is located;

(3) The homeowner's association, association of apartment owners, or condominium association has provided written notice to all of the homeowners, apartment owners, or unit owners describing the new authority to issue speeding infractions; and

(4) Signs have been posted declaring the speed limit at all vehicle entrances to the community."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel; Bergquist; Farrell; Fitzgibbon; Habib; Hayes; Johnson; Klippert; Kochmar; Kristiansen; Morris; O'Ban; Riccelli; Ryu; Sells; Shea; Takko; Tarleton; Upthegrove and Zeiger.

Passed to Committee on Rules for second reading.

March 21, 2013

SSB 5152 Prime Sponsor, Committee on Transportation: Creating Seattle Sounders FC and Seattle Seahawks special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.18.200 and 2012 c 65 s 1 are each amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Endangered wildlife	Displays a symbol or artwork((approved by the special license plate review board and the legislature)) <u>symbolizing endangered wildlife in Washington state.</u>
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
Music matters	Displays the "Music Matters" logo.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
<u>Seattle Seahawks</u>	<u>Displays the "Seattle Seahawks" logo.</u>
<u>Seattle Sounders FC</u>	<u>Displays the "Seattle Sounders FC" logo.</u>
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Ski & ride Washington	Recognizes the Washington snowsports industry.
State flower	Recognizes the Washington state flower.
Volunteer firefighters	Recognizes volunteer firefighters.
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.

Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.	(c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
		(d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.	(e) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
		(f) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
		(g) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
		(h) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
		(i) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
Washington's wildlife collection	Recognizes Washington's wildlife.	(j) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.	(k) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
		(l) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
		(m) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
Wild on Washington	Symbolizes wildlife viewing in Washington state.	(n) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
		(o) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
		(p) Ride share	\$ 25.00	N/A	RCW 46.68.030
		(q) <u>Seattle Seahawks</u>	<u>\$40.00</u>	<u>\$30.00</u>	<u>RCW 46.68.420</u>
		(r) <u>Seattle Sounders FC</u>	<u>\$40.00</u>	<u>\$30.00</u>	<u>RCW 46.68.420</u>
		(s) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
		((+)) (t) Ski & ride	\$ 40.00	\$ 30.00	RCW 46.68.420
		((+)) (u) Square dancer	\$ 40.00	N/A	RCW 46.68.070
		((+)) (v) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
		((+)) (w) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
		((+)) (x) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
		((+)) (y) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
		((+)) (z) Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

Sec. 2. RCW 46.17.220 and 2012 c 65 s 4 are each amended to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070

((a)) (aa)	\$ 40.00	\$ 30.00	RCW 46.68.425
Washington's wildlife collection			
((a)) (bb) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
((a)) (cc) Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425

(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

Sec. 3. RCW 46.68.420 and 2012 c 65 s 5 are each amended to read as follows:

(1) The department shall:

- (a) Collect special license plate fees established under RCW 46.17.220;
- (b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and
- (c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education

Music matters awareness

Seattle Seahawks

Seattle Sounders FC

Share the road

Ski & ride Washington

State flower

programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents

Promote music education in schools throughout Washington

Provide funds from fifty percent of proceeds to InvestED to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community, and provide funds from fifty percent of proceeds to the youth athletic facility account created in RCW 43.99N.060(4) for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities

Provide funds from fifty percent of proceeds to Washington state mentors to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs, and provide funds from fifty percent of proceeds to the youth athletic facility account created in RCW 43.99N.060(4) for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities

Promote bicycle safety and awareness education in communities throughout Washington

Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs

Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons

Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need
Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

Sec. 4. RCW 46.18.060 and 2012 c 65 s 6 are each amended to read as follows:

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

(3) (~~Except as provided in RCW 46.18.245,~~) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2013. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.

(4) The limitations under subsection (3) of this section do not apply to the following special license plates:

(a) 4-H license plates created under RCW 46.18.200;

(b) Gold star license plates created under RCW 46.18.245;

(c) Music Matters license plates created under RCW 46.18.200;

~~((e))~~ (d) Seattle Seahawks license plates created under RCW 46.18.200;

(e) Seattle Sounders FC license plates created under RCW 46.18.200;

(f) State flower license plates created under RCW 46.18.200;

~~((d))~~ (g) Volunteer firefighter license plates created under RCW 46.18.200.

NEW SECTION. Sec. 5. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Sounders FC license plates" means special license plates issued under RCW 46.18.200 that display a symbol or artwork recognizing Seattle Sounders FC.

NEW SECTION. Sec. 6. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Seahawks license plates" means special license plates issued under RCW 46.18.200 that display a symbol or artwork recognizing the Seattle Seahawks.

NEW SECTION. Sec. 7. This act takes effect January 1, 2014."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel; Bergquist; Fitzgibbon; Hayes; Johnson; Klippert; Kochmar; Morris; O'Ban; Riccelli; Ryu; Sells; Takko; Tarleton; Upthegrove and Zeiger.

MINORITY recommendation: Do not pass. Signed by Representatives Overstreet, Assistant Ranking Minority Member; Farrell; Habib; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

March 21, 2013

SB 5161

Prime Sponsor, Senator Braun: Authorizing certain eligible family members of United States armed forces members who died while in service or as a result of service to apply for gold star license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.18.245 and 2010 c 161 s 621 are each amended to read as follows:

(1) A registered owner who is ~~((the mother or father))~~ an eligible family member of a member of the United States armed forces who died while in service to his or her country, or as a result of his or her service, may apply to the department for special gold star license plates for use on a motor vehicle. The registered owner must:

(a) Be a resident of this state;

(b) Provide proof to the satisfaction of the department that the registered owner is an eligible family member, which includes:

- (i) A widow;
- (ii) A widower;
- (iii) A biological parent;
- (iv) An adoptive parent;
- (v) A stepparent;
- (vi) An adult in loco parentis or foster parent;
- (vii) A biological child; or
- (viii) An adopted child;

(c) Provide certification from the Washington state department of veterans affairs that the registered owner qualifies for the special license plate under this section;

~~((e))~~ (d) Be recorded as the registered owner of the motor vehicle on which the gold star license plates will be displayed; and

~~((d))~~ (e) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Gold star license plates must be issued:

- (a) Only for motor vehicles owned by qualifying applicants; and
- (b) Without payment of any license plate fee.

(3) Gold star license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

(4) Gold star license plates may be transferred from one motor vehicle to another motor vehicle owned by the ~~((mother or father))~~ eligible family member, as described in subsection (1) of this section, upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 2. This act takes effect August 1, 2013." Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Lias, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel; Bergquist; Farrell; Fitzgibbon; Habib; Hayes; Johnson; Klippert; Kochmar; Kristiansen; Morris; O'Ban; Riccelli; Ryu; Sells; Shea; Takko; Tarleton; Upthegrove and Zeiger.

Passed to Committee on Rules for second reading.

March 21, 2013

ESB 5607 Prime Sponsor, Senator Harper: Concerning beer, wine, and spirits theater licenses. Reported by Committee on Government Accountability & Oversight

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.24 RCW to read as follows:

(1) There are two theater licenses created for theaters as defined in this section.

(a) A beer and wine theater license is created to sell beer, including strong beer, or wine, or both, at retail for consumption on theater premises. The annual fee is four hundred dollars for a beer and wine theater license.

(b) A spirits, beer, and wine theater license is created to sell spirits, beer, including strong beer, or wine, or all, at retail, for

consumption on theater premises. A spirits, beer, and wine theater license may be issued to a theater with no more than one hundred twenty seats per screen and that is maintained in a substantial manner as a place for preparing, cooking, and serving complete meals and providing tabletop accommodations for in-theater dining. Requirements for complete meals are the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee is two thousand dollars for a spirits, beer, and wine theater license.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board, and be prominently posted on the premises, prior to minors being allowed.

(3) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of beer, wine, and/or spirits must have completed a mandatory alcohol server training program.

(4)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a beer, wine, or spirits manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (4) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (4). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the beer, wine, or spirits manufacturer, importer, or distributor; and the amount allocated or used for beer, wine, or spirits advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(5) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

(6) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown.

Sec. 2. RCW 66.20.300 and 2011 c 325 s 5 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout RCW 66.20.310 through 66.20.350 unless the context clearly requires otherwise.

(1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

(2) "Alcohol server" means any person who as part of his or her employment participates in the sale or service of alcoholic beverages for on-premise consumption at a retail licensed premise as a regular

requirement of his or her employment, and includes those persons eighteen years of age or older permitted by the liquor laws of this state to serve alcoholic beverages with meals.

(3) "Board" means the Washington state liquor control board.

(4) "Training entity" means any liquor licensee associations, independent contractors, private persons, and private or public schools, that have been certified by the board.

(5) "Retail licensed premises" means any:

(a) Premises licensed to sell alcohol by the glass or by the drink, or in original containers primarily for consumption on the premises as authorized by this section and RCW 66.20.310, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, ((and)) 66.24.610, and section 1 of this act;

(b) Distillery licensed pursuant to RCW 66.24.140 that is authorized to serve samples of its own production;

(c) Facility established by a domestic winery for serving and selling wine pursuant to RCW 66.24.170(4); and

(d) Grocery store licensed under RCW 66.24.360, but only with respect to employees whose duties include serving during tasting activities under RCW 66.24.363.

Sec. 3. RCW 66.20.310 and 2011 c 325 s 4 are each amended to read as follows:

(1)(a) There ~~((shall be))~~ is an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There ~~((shall be))~~ is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise ~~((shall))~~ must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued ~~((shall))~~ must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder ~~((shall))~~ must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit ~~((shall be))~~ is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.570, 66.24.600, ((and)) 66.24.610, and section 1 of this act may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor ~~((shall))~~ must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363."

Correct the title.

Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Moscoso; Shea and Smith.

Passed to Committee on Rules for second reading.

March 21, 2013

ESSB 5723

Prime Sponsor, Committee on Commerce & Labor: Authorizing enhanced raffles conducted by bona fide charitable or nonprofit organizations serving individuals with intellectual disabilities. Reported by Committee on Government Accountability & Oversight

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:

(1) A bona fide charitable or nonprofit organization, as defined in RCW 9.46.0209, whose primary purpose is serving individuals with intellectual disabilities may conduct enhanced raffles if licensed by the commission.

(2) The commission has the authority to approve two enhanced raffles per calendar year for western Washington and two enhanced raffles per calendar year for eastern Washington. Whether the enhanced raffle occurs in western Washington or eastern Washington will be determined by the location where the grand prize winning ticket is to be drawn as stated on the organization's application to the commission. An enhanced raffle is considered approved when voted on by the commission.

(3) The commission has the authority to approve enhanced raffles under the following conditions:

(a) The value of the grand prize must not exceed five million dollars.

(b) Sales may be made in person, by mail, by fax, or by telephone only. Raffle ticket order forms may be printed from the bona fide charitable or nonprofit organization's web site. Obtaining the form in this manner does not constitute a sale.

(c) Tickets purchased as part of a multiple ticket package may be purchased at a discount.

(d) Multiple smaller prizes are authorized during the course of an enhanced raffle for a grand prize including, but not limited to, early bird, refer a friend, and multiple ticket drawings.

(e) A purchase contract is not necessary for smaller noncash prizes, but the bona fide charitable or nonprofit organization must be able to demonstrate that such a prize is available and sufficient funds are held in reserve in the event that the winner chooses a noncash prize.

(f) All enhanced raffles and associated smaller raffles must be independently audited, as defined by the commission during rule making. The audit results must be reported to the commission.

(g) Call centers, when licensed by the commission, are authorized. The bona fide charitable or nonprofit organization may contract with a call center vendor to receive enhanced raffle ticket sales. The vendor may not solicit sales. The vendor may be located outside the state, but the bona fide charitable or nonprofit organization must have a contractual relationship with the vendor stating that the vendor must comply with all applicable Washington state laws and rules.

(h) The bona fide charitable or nonprofit organization must be the primary recipient of the funds raised.

(i) Sales data may be transmitted electronically from the vendor to the bona fide charitable or nonprofit organization. Credit cards, issued by a state regulated or federally regulated financial institution, may be used for payment to participate in enhanced raffles.

(j) Receipts including ticket confirmation numbers may be sent to ticket purchasers either by mail or by e-mail.

(k) In the event the bona fide charitable or nonprofit organization determines ticket sales are insufficient to qualify for a complete enhanced raffle to move forward, the enhanced raffle winner must receive fifty percent of the net proceeds in excess of expenses as the grand prize. The enhanced raffle winner will receive a choice between an annuity value equal to fifty percent of the net proceeds in excess of expenses paid by annuity over twenty years, or a one-time cash payment of seventy percent of the annuity value.

(l) A bona fide charitable or nonprofit organization is authorized to hire a consultant licensed by the commission to run an enhanced raffle; in addition, the bona fide charitable or nonprofit organization must have a dedicated employee who is responsible for oversight of enhanced raffle operations. The bona fide charitable or nonprofit organization is ultimately responsible for ensuring that an enhanced raffle is conducted in accordance with all applicable state laws and rules.

(4) The commission has the authority to set fees for bona fide charitable or nonprofit organizations, call center vendors, and consultants conducting enhanced raffles authorized under this section.

(5) The commission has the authority to adopt rules governing the licensing and operation of enhanced raffles.

(6) Except as specifically authorized in this section, enhanced raffles must be held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission.

(7) For the purposes of this section:

(a) "Enhanced raffle" means a game in which tickets bearing an individual number are sold for not more than two hundred fifty dollars each and in which a grand prize and smaller prizes are awarded on the basis of drawings from the tickets by the person or persons conducting the game. An enhanced raffle may include additional related entries and drawings, such as early bird, refer a friend, and multiple ticket drawings when the bona fide charitable or nonprofit organization establishes the eligibility standards for such entries and drawings before any enhanced raffle tickets are sold. No drawing may occur by using a random number generator or similar means.

(b) "Early bird drawing" means a separate drawing for a separate prize held prior to the grand prize drawing. All tickets entered into the early bird drawing, including all early bird winning tickets, are

entered into subsequent early bird drawings, and also entered into the drawing for the grand prize.

(c) "Refer a friend drawing" means a completely separate drawing, using tickets distinct from those for the enhanced raffle, for a separate prize held at the conclusion of the enhanced raffle for all enhanced raffle ticket purchasers, known as the referring friend, who refer other persons to the enhanced raffle when the other person ultimately purchases an enhanced raffle ticket. The referring friend will receive one ticket for each friend referred specifically for the refer a friend drawing. In addition, each friend referred could also become a referring friend and receive his or her own additional ticket for the refer a friend drawing.

(d) "Multiple ticket drawing" means a completely separate drawing, using tickets distinct from those for the enhanced raffle, for a separate prize held at the conclusion of the enhanced raffle for all enhanced raffle ticket purchasers who purchase a specified number of enhanced raffle tickets. For example, a multiple ticket drawing could include persons who purchase three or more enhanced raffle tickets in the same order, using the same payment information, with tickets in the same person's name. For each eligible enhanced raffle ticket purchased, the purchaser also receives a ticket for the multiple ticket drawing prize.

(e) "Western Washington" includes those counties west of the Cascade mountains, including Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

(f) "Eastern Washington" includes those counties east of the Cascade mountains that are not listed in (e) of this subsection.

(8) By December 2017, the commission must report back to the appropriate committees of the legislature on enhanced raffles. The report must include results of the raffles, revenue generated by the raffles, and identify any state or federal regulatory actions taken in relation to enhanced raffles in Washington. The report must also make recommendations, if any, for policy changes to the enhanced raffle authority.

(9) This section expires June 30, 2016."

Correct the title.

Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Moscoso; Shea and Smith.

Passed to Committee on Rules for second reading.

March 21, 2013

SSB 5774

Prime Sponsor, Committee on Commerce & Labor: Authorizing applications for a special permit to allow alcohol tasting by persons at least eighteen years of age under certain circumstances. Reported by Committee on Government Accountability & Oversight

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Moscoso; Shea and Smith.

Passed to Committee on Rules for second reading.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1319
HOUSE CONCURRENT RESOLUTION NO. 4404
SENATE CONCURRENT RESOLUTION NO. 8403

There being no objection, the House adjourned until 10:00 a.m., March 27, 2013, the 73rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

The Speaker called upon Representative Orwall to preside.

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

1319	Speaker Signed	8
	Messages	1
4404	Speaker Signed	8
4641	Introduced	1
	Adopted	1
5050	Committee Report	1
5113	Committee Report	1
5152-S	Committee Report	2
5161	Committee Report	6
5607	Committee Report	6
5723-S	Committee Report	7
5774-S	Committee Report	8
8403	Speaker Signed	8