

**FIFTEENTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Monday, January 28, 2013

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

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 fifth order of business.

INTRODUCTION AND FIRST READING

SB 5323 by Senators Roach, Darneille, Conway and Carrell

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.

SB 5324 by Senators Honeyford, Fraser and Ericksen

AN ACT Relating to mosquito abatement in storm water control retention ponds; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5325 by Senators Rivers, Cleveland, Benton and King

AN ACT Relating to the definition of a rural county for public facilities' sales and use tax purposes; and amending RCW 82.14.370.

Referred to Committee on Trade & Economic Development.

SB 5326 by Senators Rivers, Benton, King, Ericksen and Shin

AN ACT Relating to delaying new storm water requirements; and amending RCW 90.48.260.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5327 by Senators Fraser, Hobbs and Becker

AN ACT Relating to small farms under the current use property tax program for farm and agricultural lands; amending RCW 84.34.020; and creating a new section.

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

SB 5328 by Senators Litzow, Hobbs, Dammeier, Hatfield, Baumgartner, Roach, Hill, Braun, Shin and Tom

AN ACT Relating to creating a school-grading program that relies on the accountability index; and adding new sections to chapter 28A.655 RCW.

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

SB 5329 by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt and Roach

AN ACT Relating to creating the state superintendent school district; amending RCW 28A.310.140; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.343 RCW; and adding a new chapter to Title 28A RCW.

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

SB 5330 by Senators Hargrove, Shin and Hill

AN ACT Relating to improved student achievement and student outcomes; amending RCW 28A.150.220, 28A.150.315, 28A.150.250, 28A.150.260, 28A.150.410, 28A.165.005, 28A.165.015, 28A.165.025, 28A.165.035, 28A.175.025, 28A.400.200, and 28A.655.080; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.165 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

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

SB 5331 by Senators Hobbs, Roach, Conway, Fain and Delvin

AN ACT Relating to voter-approved benefit charges for regional fire protection service authorities; and amending RCW 52.26.220, 52.26.230, and 84.55.092.

Referred to Committee on Governmental Operations.

SB 5332 by Senators Roach, Nelson, Rolfes, Conway, Fain and Delvin

AN ACT Relating to voter-approved benefit charges for fire protection districts; and amending RCW 52.18.050.

Referred to Committee on Governmental Operations.

SB 5333 by Senators Keiser, McAuliffe, Rolfes, Becker, Schlicher, Harper, Nelson, Hobbs, Frockt, Kline and Shin

AN ACT Relating to mental health first aid; adding a new section to chapter 71.24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 5334 by Senator Hewitt

AN ACT Relating to public facilities' grants and loans; amending RCW 43.160.010, 43.160.020, 43.160.030, 43.160.050, 43.160.076, 43.160.080, and 43.160.900; adding new sections to chapter 43.160 RCW; and repealing RCW 43.160.060, 43.160.070, and 43.160.078.

Referred to Committee on Trade & Economic Development.

SB 5335 by Senators Dammeier, Eide, King, Hobbs and Fain

AN ACT Relating to heavy haul corridors; amending RCW 46.44.0915; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5336 by Senators Roach, Sheldon, Benton and Shin

AN ACT Relating to the standard of evidence for appeals of valuation of property for purposes of taxation; amending RCW 84.40.0301; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5337 by Senators Pearson, Fraser, Hargrove, Nelson, Smith, Fain, Kline, Hobbs, Shin, Tom and Parlette

AN ACT Relating to expiration dates affecting the department of natural resources' timber sale program; amending 2009 c 418 s 7 (uncodified); amending 2010 c 126 ss 15 and 16 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SB 5338 by Senators Hobbs, Mullet, Fain and Benton

AN ACT Relating to nonprofit debt adjusters; amending RCW 18.28.080 and 18.28.120; and reenacting and amending RCW 18.28.010.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5339 by Senators Becker, Schlicher, Dammeier, Billig, Keiser, Tom and Mullet

AN ACT Relating to wellness programs under the insurance code; and amending RCW 48.30.140 and 48.30.150.

Referred to Committee on Health Care.

SB 5340 by Senators Chase, Darneille, Schlicher, Kline, Nelson, Keiser, Shin and Conway

AN ACT Relating to maximum capital and reserves accumulations by health care service contractors and health maintenance organizations; amending RCW 48.31C.060 and 48.43.305; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5341 by Senators Darneille, Benton, Harper, Kohl-Welles and Kline

AN ACT Relating to nonconviction records; adding a new chapter to Title 10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5342 by Senators Dammeier, Murray, Mullet, Harper, Parlette, Schlicher, Tom, Sheldon and Kohl-Welles

AN ACT Relating to a sales and use tax exemption for restaurants in respect to certain items that impart flavor to food during the cooking process; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5343 by Senators Bailey, Rivers, Hobbs, Kline, Mullet, Fain, Frockt, Billig, Shin, Tom, Conway and Roach

AN ACT Relating to the rights of higher education students involved in military service; and amending RCW 28B.10.270.

Referred to Committee on Higher Education.

SB 5344 by Senators Mullet, Hobbs, Kline, Fain and Benton

AN ACT Relating to revising state statutes concerning trusts; amending RCW 11.36.010, 11.36.021, 11.96A.050, 11.96A.070, 11.96A.120, 11.96A.125, 11.97.010, 11.98.005, 11.98.019, 11.98.039, 11.98.041, 11.98.045, 11.98.051, 11.98.080, 11.103.040, 11.103.050, 11.96A.250, 11.98.015, 11.98.078, 11.103.030, 11.106.010, 11.106.020, and 11.118.050; adding new sections to chapter 11.98 RCW; creating a new section; and repealing RCW 11.98.090.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5345 by Senators Pearson, Kline, Roach, Carrell and Kohl-Welles

AN ACT Relating to adding persons who serve legal process to assault in the third degree provisions; reenacting and amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5346 by Senators Keiser, Kohl-Welles, Kline, Rolfes, Chase, McAuliffe, Billig, Conway, Hasegawa, Nelson, Fraser, Frockt and Shin

AN ACT Relating to restoring funding to in-home care services; adding a new section to chapter 74.09 RCW; and repealing RCW 82.08.0273.

Referred to Committee on Health Care.

SB 5347 by Senators Rivers and Roach

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AN ACT Relating to assuring the people's right to vote on initiatives that submit sufficient valid voter signatures; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Commerce & Labor.

Referred to Committee on Governmental Operations.

SB 5348 by Senators Nelson, Kohl-Welles and Kline

SB 5353 by Senators Roach and Holmquist Newbry

AN ACT Relating to directing the department of health to review the impact of chemicals on public health; adding new sections to chapter 43.70 RCW; creating a new section; and making an appropriation.

AN ACT Relating to providing information to assist in unemployment insurance overpayment recovery; amending RCW 42.56.430; and creating a new section.

Referred to Committee on Commerce & Labor.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5354 by Senators Holmquist Newbry and Conway

AN ACT Relating to changing the employment security department's settlement authority; amending RCW 50.24.020; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5349 by Senators Dammeier, Hasegawa, Hewitt, Keiser, Rivers, Hobbs and Kline

SB 5355 by Senators Holmquist Newbry, Conway, Kohl-Welles and Keiser

AN ACT Relating to revisions to alternative public works contracting procedures; amending RCW 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.260, 39.10.270, 39.10.280, 39.10.300, 39.10.320, 39.10.330, 39.10.340, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.420, 39.10.440, 39.10.490, 43.131.407, and 43.131.408; reenacting and amending RCW 39.10.210; adding a new section to chapter 43.131 RCW; repealing RCW 39.10.500 and 39.10.510; providing an effective date; providing a contingent effective date; providing an expiration date; and declaring an emergency.

AN ACT Relating to implementing the unemployment insurance integrity provisions of the federal trade adjustment assistance extension act of 2011; amending RCW 50.16.010, 50.20.070, and 50.29.021; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

Referred to Committee on Governmental Operations.

SB 5356 by Senators Holmquist Newbry, Conway, Kohl-Welles, Rolfes and Kline

SB 5350 by Senators Kohl-Welles, Hasegawa, Conway, Nelson, Keiser, Harper, Rolfes, Darneille, Kline, Chase, Billig, Delvin, Frockt and Shin

AN ACT Relating to changing the unemployment insurance shared work program by adopting short-time compensation provisions in the federal middle class tax relief and job creation act of 2012; amending RCW 50.60.030, 50.60.090, and 50.60.110; reenacting and amending RCW 50.60.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

AN ACT Relating to modifying collective bargaining law related to providing additional compensation for academic employees at community and technical colleges; amending RCW 28B.52.035 and 28B.50.140; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5357 by Senators Honeyford, Delvin, Ericksen, Hobbs, Hatfield and Rolfes

SB 5351 by Senator Ericksen

AN ACT Relating to directing state investments of existing litter tax revenues under chapter 82.19 RCW in material waste management efforts without increasing the tax rate; and amending RCW 70.93.020, 70.93.180, and 70.93.200.

Referred to Committee on Energy, Environment & Telecommunications.

AN ACT Relating to creating a state universal communications service program; amending RCW 80.36.610; reenacting and amending RCW 80.36.005; adding new sections to chapter 80.36 RCW; creating new sections; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5358 by Senators Becker, Keiser, Conway, Schlicher, Dammeier, Cleveland, Bailey, Parlette, Ericksen, Shin, Kohl-Welles and Kline

SB 5352 by Senators Holmquist Newbry, Conway and Hewitt

AN ACT Relating to the no paid case load of the division of developmental disabilities; amending RCW 71A.12.161 and 43.88C.010; adding new sections to chapter 71A.12 RCW; and creating a new section.

Referred to Committee on Health Care.

AN ACT Relating to the real estate agency relationship; and amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.031, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, 18.86.110, and 18.86.120.

SB 5359 by Senator Carrell

AN ACT Relating to mandatory reporting of child abuse or neglect by supervised persons; amending RCW 26.44.030; reenacting and amending RCW 26.44.030; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5360 by Senators Conway, Keiser, Hasegawa, Kohl-Welles, Frockt and Kline

AN ACT Relating to the collection of unpaid wages; amending RCW 49.48.086; and adding a new section to chapter 49.48 RCW.

Referred to Committee on Commerce & Labor.

SB 5361 by Senators Holmquist Newbry, Conway, Keiser, Hasegawa, Kohl-Welles and Kline

AN ACT Relating to payment methods on certain claimants' benefits; and amending RCW 7.68.031, 7.68.033, 7.68.034, 51.04.080, 51.28.060, 51.32.040, 51.32.045, and 51.44.110.

Referred to Committee on Commerce & Labor.

SB 5362 by Senators Conway, Holmquist Newbry, Keiser and Kohl-Welles

AN ACT Relating to recommendations of the vocational rehabilitation subcommittee for workers' compensation; amending RCW 51.32.095 and 51.32.099; amending 2011 c 291 s 3 (uncodified); amending 2009 c 353 s 7 (uncodified); amending 2007 c 72 s 6 (uncodified); and providing expiration dates.

Referred to Committee on Commerce & Labor.

SB 5363 by Senators Holmquist Newbry, Conway, Keiser, Hasegawa and Kohl-Welles

AN ACT Relating to industrial insurance for horse racing employment; and amending RCW 51.16.210.

Referred to Committee on Commerce & Labor.

SB 5364 by Senators Kline and Padden

AN ACT Relating to court reporting, communication access real-time translation, and real-time captioning services; amending RCW 18.145.005, 18.145.040, and 18.145.120; reenacting and amending RCW 18.145.030 and 18.145.080; and adding new sections to chapter 18.145 RCW.

Referred to Committee on Law & Justice.

SB 5365 by Senators Rolfes, Cleveland, Frockt, Kohl-Welles and Kline

AN ACT Relating to increasing the capacity of school districts to recognize and respond to troubled youth; amending RCW 28A.410.035; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; and creating new sections.

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

SB 5366 by Senators Rolfes, Hobbs, McAuliffe, Chase, Frockt and Shin

AN ACT Relating to requiring the office of the superintendent of public instruction to assist school districts in disclosing information about required assessments; adding a new section to chapter 28A.655 RCW; and creating a new section.

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

SB 5367 by Senators Honeyford, Hatfield, Fraser, King, Nelson, Delvin and Shin

AN ACT Relating to Yakima river basin water resource management; amending RCW 90.38.005, 90.38.010, 90.38.900, and 90.38.902; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 90.38 RCW; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

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

SB 5368 by Senators Honeyford and King

AN ACT Relating to determining the proportion of supplemental income to be paid by component cities, towns, and counties; and amending RCW 70.94.092.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5369 by Senators Kline, King, Honeyford and Mullet

AN ACT Relating to the use of geothermal resources; amending RCW 78.60.030, 78.60.040, and 78.60.060; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5370 by Senators Kline, Keiser and Shin

AN ACT Relating to implementing the recommendation of the developmental disabilities service system task force relating to community living safeguards; amending RCW 71A.12.080 and 71A.12.270; adding new sections to chapter 71A.12 RCW; adding a new section to chapter 71A.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

SB 5371 by Senators Kline, King, Keiser and Shin

AN ACT Relating to implementing the recommendations of the developmental disability service system task force; amending RCW 28A.190.020, 71A.20.020, 71A.20.170, 71A.20.180, and 71A.20.190; and providing an expiration date.

Referred to Committee on Health Care.

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SB 5372 by Senators Kline, Kohl-Welles, Murray, Hasegawa, Nelson, Keiser and Billig

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, and 10.95.900.

Referred to Committee on Law & Justice.

SB 5373 by Senator Kline

AN ACT Relating to confidential informants; and adding a new chapter to Title 10 RCW.

Referred to Committee on Law & Justice.

SB 5374 by Senators Kline and Keiser

AN ACT Relating to photographs, microphotographs, and electronic images from traffic safety cameras and toll systems; amending RCW 46.63.160; and reenacting and amending RCW 46.63.170.

Referred to Committee on Law & Justice.

SB 5375 by Senators Kline, Conway, Litzow, Keiser, Chase, Hasegawa, Kohl-Welles, Schoesler and Roach

AN ACT Relating to assault in the third degree; reenacting and amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5376 by Senators Kline, Fain, Shin, Nelson, Keiser, Carrell, McAuliffe, Hill, Litzow, Tom and Kohl-Welles

AN ACT Relating to juvenile firearms and weapons crimes; and amending RCW 13.40.0357, 13.40.127, 13.40.193, and 13.40.160.

Referred to Committee on Human Services & Corrections.

SB 5377 by Senators Rivers, Hatfield, Bailey, Becker and Hargrove

AN ACT Relating to extending the program establishing Christmas tree grower licensure; and amending 2007 c 335 s 19 (uncodified).

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

SB 5378 by Senators Benton, Schoesler, Bailey, Carrell, Becker, Holmquist Newbry, Sheldon, Ericksen and Dammeier

AN ACT Relating to a six-year time frame for substantial building code amendments; amending RCW 19.27.074, 19.27A.045, and 19.27A.025; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5379 by Senator Benton

AN ACT Relating to nighttime vision acuity testing for driver's license applicants; and amending RCW 46.20.130.

Referred to Committee on Transportation.

SB 5380 by Senators Benton, Carrell and Rivers

AN ACT Relating to verifying voter registration qualifications; amending RCW 29A.08.125; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Governmental Operations.

SB 5381 by Senators Benton and Padden

AN ACT Relating to cellular telephone use by state employees; amending RCW 43.88.160; and adding new sections to chapter 43.41A RCW.

Referred to Committee on Governmental Operations.

SB 5382 by Senators Benton, Holmquist Newbry, Rivers, Carrell, Padden and Shin

AN ACT Relating to promoting economic development through tax relief for start-up firms; adding new sections to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

SB 5383 by Senators Benton, Cleveland and Rivers

AN ACT Relating to restrictions on collecting a pension in the public employees' retirement system for retirees returning to work; and amending RCW 41.40.037 and 41.40.630.

Referred to Committee on Ways & Means.

SJM 8002 by Senators Kline, Kohl-Welles, Billig, Rolfes, Nelson, Harper, Darneille, McAuliffe, Hargrove and Frockt

Requesting an amendment to the United States Constitution to return the authority to regulate election campaign contributions to congress and state legislatures.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5325 which was referred to the Committee on Trade & Economic Development.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION  
8609

By Senators Rolfes, Pearson, Schlicher, Keiser, Cleveland, Eide, Nelson, Billig, Fraser, Parlette, Frockt, and Harper

WHEREAS, Outdoor recreation in Washington state is a foundation of our state's quality of life in both urban and rural parts of the state; and

WHEREAS, Our state's history, identity, and culture is intertwined with the outdoor recreational opportunities provided in this state; and

WHEREAS, Washington state has an unsurpassed diversity of outdoor recreation for our state's citizens and for people around the world who visit Washington state to experience our state's outdoor recreational opportunities; and

WHEREAS, Outdoor recreational businesses comprise an important part of our state's economy, from worldwide leaders in retail and manufacturing to small businesses in every corner of the state; and

WHEREAS, The national Outdoor Industry Alliance has calculated the economic impact of outdoor recreation in Washington state to be eleven billion seven hundred million dollars; and

WHEREAS, Outdoor recreation supports one hundred fifteen thousand jobs in Washington state; and

WHEREAS, A diverse group of over two dozen outdoor recreation businesses, user groups, and nonprofits called the Big Tent Outdoor Coalition has established the first-ever recognition of Washington state's outdoor recreation economy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the significance of outdoor recreation to Washington state's economy, citizens, and quality of life; and

BE IT FURTHER RESOLVED, That the Washington State Senate today celebrates outdoor recreation in Washington state; and Senator Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.

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

REMARKS BY THE PRESIDENT

President Owen: "The President would just note to our wonderful young people here today that asking questions or addressing people in the gallery is not allowed. So you are very special today that to happen. We know that you're very special anyway and we're very grateful that you're here with us today."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Big Tent Outdoor Coalition who were present in the gallery and recognized by the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Fain: "Point of clarification, Mr. President: REI is headquartered in the illustrious City of Kent, the fighting 47<sup>th</sup> District."

REPLY BY THE PRESIDENT

President Owen: "Very important correction there."

MOTION

At 12:07 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, January 29, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate



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