

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 8, 2007

The Senate was called to order at 9:45 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Berkey, Rasmussen and Spanel.

The Sergeant at Arms Color Guard consisting of Pages Colin Lewis and Connie Bahng, presented the Colors. Member Mary-Lynne Reiner of Temple Beth Hatfiloh Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1755,  
 HOUSE BILL NO. 2204,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2007

MR. PRESIDENT:

The House has passed the following bills:  
 HOUSE BILL NO. 1049,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1076,  
 HOUSE BILL NO. 1137,  
 ENGROSSED HOUSE BILL NO. 1189,  
 SUBSTITUTE HOUSE BILL NO. 1266,  
 SUBSTITUTE HOUSE BILL NO. 1314,  
 HOUSE BILL NO. 1501,  
 SUBSTITUTE HOUSE BILL NO. 1605,  
 HOUSE BILL NO. 1671,  
 HOUSE BILL NO. 1672,  
 HOUSE BILL NO. 1706,  
 HOUSE BILL NO. 1747,  
 SUBSTITUTE HOUSE BILL NO. 1784,  
 HOUSE BILL NO. 1789,  
 HOUSE BILL NO. 1793,  
 HOUSE BILL NO. 1820,  
 SUBSTITUTE HOUSE BILL NO. 1832,  
 HOUSE BILL NO. 1852,  
 HOUSE BILL NO. 1870,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2007

MR. PRESIDENT:

The House has passed the following bills:  
 SUBSTITUTE HOUSE BILL NO. 1278,  
 HOUSE BILL NO. 1430,  
 HOUSE BILL NO. 1443,  
 SUBSTITUTE HOUSE BILL NO. 1456,  
 SUBSTITUTE HOUSE BILL NO. 1458,  
 HOUSE BILL NO. 1592,  
 SUBSTITUTE HOUSE BILL NO. 1880,  
 SUBSTITUTE HOUSE BILL NO. 1977,  
 SUBSTITUTE HOUSE BILL NO. 1988,  
 HOUSE BILL NO. 2034,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED HOUSE BILL NO. 1436,  
 HOUSE BILL NO. 1836,  
 SUBSTITUTE HOUSE BILL NO. 1865,  
 HOUSE BILL NO. 1925,  
 HOUSE BILL NO. 1949,  
 SUBSTITUTE HOUSE BILL NO. 1987,  
 SUBSTITUTE HOUSE BILL NO. 2003,  
 HOUSE BILL NO. 2104,  
 HOUSE BILL NO. 2170,  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6148 by Senator Benton

AN ACT Relating to the establishment of collaborative life science learning centers; adding new sections to chapter 28A.300 RCW; creating a new section; and making appropriations.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1032 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Anderson, Wallace, Moeller, B. Sullivan and Chase)

AN ACT Relating to creating a sustainable energy trust; and adding a new chapter to Title 80 RCW.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1047 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams and Blake)

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AN ACT Relating to alcohol content in food products and confections; amending RCW 66.24.360 and 69.04.240; and reenacting and amending RCW 66.04.010.

Referred to Committee on Labor, Commerce, Research & Development.

2SHB 1088 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Kagi, Haler, Cody, Appleton, Darneille, Simpson, Takko, Kenney, Williams, Green, McDermott, Roberts, Lantz, McCoy, Ormsby, Schual-Berke, B. Sullivan, Hurst, Pettigrew, O'Brien, Lovick, P. Sullivan, Hasegawa, Hunt, Hudgins, Clibborn, Uptegrove, Morrell, Conway, Sells, Haigh, Quall, Moeller, Goodman, Wallace, Wood and Santos)

AN ACT Relating to children's mental health services; amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and repealing RCW 71.36.020 and 71.36.030.

Referred to Committee on Human Services & Corrections.

ESHB 1114 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Moeller and B. Sullivan)

AN ACT Relating to marketing of estate distribution documents; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

ESHB 1131 by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Haler, Kenney, Fromhold, Priest, Roberts, Jarrett, Kagi, Hunt, McDermott, Haigh, Ormsby, Chase, Wallace, Hudgins, Schual-Berke, Simpson, Conway, Morrell, Moeller and Santos)

AN ACT Relating to helping former foster care youth gain postsecondary education and providing scholarships to former foster care youth for this purpose; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

SHB 1192 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, B. Sullivan, Miloscia, Kagi and Wood)

AN ACT Relating to the director of parks and recreation; and amending RCW 79A.05.070, 43.17.020, and 79A.05.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

2SHB 1201 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Kagi, Haler, P. Sullivan, Walsh, Pettigrew, Darneille, Santos, McCoy, Ormsby, Wood, Dickerson, Clibborn, Schual-Berke, Simpson, Lantz, Hasegawa, Kenney, Pedersen and Seaquist)

AN ACT Relating to extending medicaid coverage for foster care youth who reach age eighteen; amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating new sections.

Referred to Committee on Health & Long-Term Care.

HB 1230 by Representatives Hurst, Roach, P. Sullivan and Simpson

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

2SHB 1242 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Hinkle, Cody, Takko, Curtis, Blake, Campbell, Green, Alexander, Moeller, Wallace, Roberts, Conway, Kenney, Ormsby, Darneille, Simpson, McDonald and Schual-Berke)

AN ACT Relating to a voluntary adult family home certification program; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1244 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby)

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance; amending RCW 51.08.178; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1259 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, Kretz, Blake and Moeller)

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1287 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and Kenney)

AN ACT Relating to compliance with the federal safe and timely interstate placement of foster children; amending RCW 13.34.138, 13.34.145, and 13.34.062; and adding new sections to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

HB 1311 by Representatives Grant, Hailey, McCoy, McDonald, Newhouse, Chase, Dickerson, Haler, Kenney, Springer and Morrell

AN ACT Relating to the small farm direct marketing assistance program; and amending RCW 15.64.050.

Referred to Committee on Agriculture & Rural Economic Development.

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SHB 1312 by House Committee on Transportation  
(originally sponsored by Representatives Hudgins and Hankins)

AN ACT Relating to the regulation of transportation providers; amending RCW 80.01.040, 81.04.010, 81.04.080, 81.04.130, 81.04.150, 81.04.160, 81.04.220, 81.04.240, 81.04.250, 81.04.270, 81.04.280, 81.04.300, 81.04.330, 81.04.350, 81.04.360, 81.08.010, 81.12.010, 81.16.010, 81.24.010, 81.28.010, 81.28.020, 81.28.030, 81.28.040, 81.28.050, 81.28.080, 81.28.180, 81.28.190, 81.28.200, 81.28.210, 81.28.220, 81.28.230, 81.28.250, 81.28.260, 81.29.010, 81.29.020, 81.44.010, 81.44.020, 81.44.040, 81.61.020, 81.66.040, 81.66.060, 81.68.010, 81.68.015, 81.68.020, 81.68.040, 81.68.060, 81.68.065, 81.68.080, 81.68.090, 81.70.020, 81.70.030, 81.70.230, 81.70.250, 81.70.280, 81.70.290, 81.70.320, 81.70.330, 81.70.340, 81.77.010, 81.77.040, 81.77.100, 81.80.010, 81.80.020, 81.80.045, 81.80.060, 81.80.070, 81.80.080, 81.80.130, 81.80.140, 81.80.150, 81.80.170, 81.80.190, 81.80.220, 81.80.230, 81.80.250, 81.80.260, 81.80.270, 81.80.272, 81.80.280, 81.80.305, 81.80.330, 81.80.370, 81.80.371, 81.80.430, 81.84.020, 47.76.230, 47.76.240, 81.68.030, 81.84.060, 79A.40.100, 81.53.261, and 15.66.270; reenacting and amending RCW 81.84.010; adding new sections to chapter 81.04 RCW; adding a new section to chapter 81.66 RCW; adding a new section to chapter 81.68 RCW; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.77 RCW; adding a new section to chapter 81.80 RCW; adding a new section to chapter 81.48 RCW; recodifying RCW 81.56.120; and repealing RCW 15.65.610, 81.04.170, 81.04.180, 81.04.190, 81.04.520, 81.08.070, 81.36.070, 81.40.040, 81.40.100, 81.44.031, 81.44.032, 81.44.050, 81.44.060, 81.44.065, 81.44.091, 81.44.092, 81.44.093, 81.44.094, 81.44.095, 81.44.096, 81.44.097, 81.44.0971, 81.44.0972, 81.44.098, 81.44.0981, 81.44.0982, 81.44.099, 81.44.100, 81.44.101, 81.44.102, 81.44.103, 81.44.104, 81.44.105, 81.44.110, 81.44.120, 81.48.010, 81.48.015, 81.52.010, 81.52.020, 81.52.030, 81.52.040, 81.56.010, 81.56.020, 81.56.030, 81.56.040, 81.56.050, 81.56.060, 81.56.070, 81.56.080, 81.56.100, 81.56.110, 81.56.130, 81.56.140, 81.56.150, 81.56.160, 81.68.070, 81.70.300, 81.77.015, 81.77.070, 81.80.030, 81.80.175, 81.80.240, 81.80.301, 81.80.312, 81.80.318, 81.80.340, 81.80.346, 81.80.375, 81.80.380, 81.80.381, 81.80.391, 81.80.395, 81.80.400, 81.80.410, 81.80.420, 81.80.440, 81.80.450, and 81.80.460.

Referred to Committee on Transportation.

HB 1331 by Representatives Haigh, Kretz, Wallace, Walsh, Cody, Strow, Hinkle, Pettigrew, Priest and Dunn

AN ACT Relating to veterinary technicians; amending RCW 18.92.015, 18.92.021, 18.92.030, 18.92.013, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1333 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh)

AN ACT Relating to child welfare; amending RCW 13.34.025, 13.34.138, and 13.34.145; adding a new section to chapter 26.44 RCW; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

2SHB 1334 by House Committee on Appropriations  
(originally sponsored by Representatives Hinkle and Walsh)

AN ACT Relating to documentation in child welfare proceedings; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 1343 by Representatives Takko and Armstrong

AN ACT Relating to examination requirements for a certificate of ownership; and amending RCW 46.12.030.

Referred to Committee on Transportation.

HB 1344 by Representatives Lovick, Rodne, Hudgins, Uptegrove and Campbell

AN ACT Relating to a window tint exemption for law enforcement vehicles; and amending RCW 46.37.430.

Referred to Committee on Transportation.

EHB 1347 by Representatives Schual-Berke, Kagi, Morrell, Haigh, Green, Kessler, Cody, Appleton, Ormsby, Hunter, Kenney, O'Brien, Springer, Santos and Campbell

AN ACT Relating to emergency response plans for long-term care facilities; amending RCW 71A.12.080; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.128 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1397 by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Kenney, Curtis, Cody and Uptegrove)

AN ACT Relating to the definition of massage therapy; amending RCW 18.108.010; and adding a new section to chapter 18.108 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1447 by Representative Morrell

AN ACT Relating to temporary management in boarding homes; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1449 by Representatives Condotta, Armstrong, Curtis, Orcutt and Dunn

AN ACT Relating to independent auditor reports and financial statements of licensees regulated by the gambling commission; reenacting and amending RCW 42.56.270 and 42.56.270; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1543 by Representatives Buri, Grant, Dunshee, Ahern, Hailey, Pettigrew, Kretz, Bailey, Linville and Moeller

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AN ACT Relating to financing economic development officers; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Trade & Management.

SHB 1561 by House Committee on Judiciary (originally sponsored by Representatives Jarrett, Clibborn, Goodman, Springer, Eddy, Rodne and P. Sullivan)

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

HB 1599 by Representatives Hunt, Williams, Conway, Ormsby, McDermott and Wood

AN ACT Relating to raffles conducted by state employees; amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1674 by Representatives Hunter, Conway, Dunn, Ormsby and Wood

AN ACT Relating to authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe; and amending RCW 43.06.460.

Referred to Committee on Ways & Means.

2SHB 1716 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Kagi, Hinkle, Haler, Walsh, Appleton, Pettigrew, Dickerson, Darneille, Anderson, Moeller, O'Brien, McDonald, Santos, Wood, Kenney, Simpson and Lantz)

AN ACT Relating to supporting educational achievement for children in foster care; amending RCW 28A.150.510; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 43.20A RCW; creating new sections; and providing an expiration date.

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

HB 1722 by Representatives Conway, Curtis, Moeller, Darneille, Wood and Simpson

AN ACT Relating to physician assistants executing certain certificates and other forms for labor and industries; adding a new section to chapter 51.28 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1777 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Darneille, Kirby, Ahern, Ross, Flannigan, Moeller, Kenney and Morrell)

AN ACT Relating to charitable organizations that solicit contributions from the public; amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085,

19.09.097, 19.09.100, 19.09.210, and 19.09.440; reenacting and amending RCW 43.79A.040; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095.

Referred to Committee on Consumer Protection & Housing.

SHB 1848 by House Committee on Health Care & Wellness (originally sponsored by Representatives Curtis, Cody, Hinkle, Condotta, Orcutt, Fromhold, Moeller and Campbell)

AN ACT Relating to identification for health services applicants; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health & Long-Term Care.

2SHB 1922 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Pettigrew, Miloscia, McIntire, Walsh, Kagi, Appleton, Kenney, Hasegawa and Ormsby)

AN ACT Relating to creating an independent youth housing program; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 1940 by Representatives Schindler, Simpson, Crouse, McCune, Dunn, Moeller and Ormsby

AN ACT Relating to requiring state agencies to notify local governments of proposed land dispositions; adding a new section to chapter 43.17 RCW; adding a new section to chapter 79.11 RCW; adding a new section to chapter 79.17 RCW; adding a new section to chapter 79.22 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 77.04 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 47.12 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1972 by Representatives Ross and Newhouse

AN ACT Relating to proceeds from irrigation district foreclosure sales; and amending RCW 87.06.080.

Referred to Committee on Government Operations & Elections.

HB 2090 by Representatives Dickerson, Dunn and Kenney

AN ACT Relating to the Washington family policy council; and amending RCW 70.190.010.

Referred to Committee on Human Services & Corrections.

HB 2119 by Representatives Lovick, Priest, Lantz, Rodne, Upthegrove, P. Sullivan, Eddy, Ericks, Pearson, Hudgins, Kelley and Ormsby

AN ACT Relating to penalties for acts of violence by strangulation; amending RCW 9A.36.021 and 9A.04.110; creating a new section; and prescribing penalties.

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Referred to Committee on Judiciary.

HB 2154 by Representatives Fromhold, Priest, P. Sullivan, Quall, Kenney and Moeller

AN ACT Relating to election dates for educational service district board members; and amending RCW 28A.310.080.

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

SHB 2225 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Anderson and Wood)

AN ACT Relating to a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency; and creating a new section.

Referred to Committee on Government Operations &amp; Elections.

HB 2281 by Representatives Appleton and Hunt

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on Government Operations &amp; Elections.

HB 2283 by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley

AN ACT Relating to the joint legislative audit and review committee performance reviews of the home care quality authority; and amending RCW 74.39A.290.

Referred to Committee on Health &amp; Long-Term Care.

SHB 2312 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Walsh, Kagi, Morrell and Kenney)

AN ACT Relating to legislative oversight of WorkFirst and temporary assistance to needy families; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services &amp; Corrections.

HB 2319 by Representatives Kagi, P. Sullivan, Wallace, Seaquist, Appleton, Morrell, Goodman, Santos, Wood, Ormsby and Kenney

AN ACT Relating to supporting early learning and parenting education opportunities at community colleges; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HJM 4016 by Representatives Seaquist, Hinkle, Pettigrew, Ormsby, Priest, Anderson, Wood, Hankins, Quall, Cody, Appleton, Morrell, Green, Kelley, Schual-Berke, Hasegawa, Rolfes, Campbell, Ericks, Kenney, VanDeWege, Conway, Goodman, Simpson and Linville

Requesting that Congress reauthorize the State Children's Health Insurance Program.

Referred to Committee on Health &amp; Long-Term Care.

## MOTION

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

## MOTION

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

## SECOND READING

SENATE BILL NO. 5830, by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin

Providing home visitation services for families.

## MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5830 was substituted for Senate Bill No. 5830 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Delvin, Senators Benton, Brandland, Carrell and McCaslin were excused.

## MOTION

On motion of Senator Regala, Senators Berkey and Spanel were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5830.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5830 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Rasmussen - 1

Excused: Senators Berkey and Spanel - 2

SUBSTITUTE SENATE BILL NO. 5830, 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. 5340, by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser

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Addressing the definition of disability. Revised for 1st Substitute: Defining disability in the Washington law against discrimination.

## MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator 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 Substitute Senate Bill No. 5340.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Honeyford, McCaslin, Morton, Schoesler and Stevens - 6

Excused: Senator Berkey - 1

SUBSTITUTE SENATE BILL NO. 5340, 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. 5512, by Senators Kilmer, Regala, Hobbs, Eide, Pridemore and Rasmussen

Modifying financing provisions for hospital benefit zones.

The measure was read the second time.

## MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5512.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel,

Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Berkey - 1

SENATE BILL NO. 5512, 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. 5647, by Senators Fraser, Morton, McAuliffe, Fairley, Swecker, Regala, Hatfield, Spanel, Rockefeller, Kohl-Welles and Rasmussen

Clarifying the use of existing lodging tax revenues for tourism promotion.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5647 was substituted for Senate Bill No. 5647 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

## PARLIAMENTARY INQUIRY

Senator Roach: "I believe that there is an amendment on the bar."

## MOTION

Senator Roach, moved that the rules be suspended, Substitute Senate Bill No. 5647 be returned to second reading for the purpose of amendment.

Senator Eide spoke against the motion

The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach to suspend the rules and return Substitute Senate Bill No. 5647 to second reading for the purpose of an amendment.

Senator Fraser spoke against the motion.

Senator Roach spoke in favor of the motion.

The motion by Senator Roach failed by a voice vote.

## MOTION

On motion of Senator Regala, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5647.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5647 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 35

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist,

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Honeyford, Marr, McCaslin, Parlette, Pflug, Roach, Schoesler and Stevens - 12

Excused: Senators Berkey and Brown - 2

SUBSTITUTE SENATE BILL NO. 5647, 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 CONCURRENT RESOLUTION NO. 8404, by Senators Shin, Delvin and Kilmer

Approving the 2006 update to the state comprehensive plan for workforce training.

The measure was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Shin spoke in favor of passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8404.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8404 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Berkey and Brown - 2

SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5204, by Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton

Enforcing animal health laws.

The measure was read the second time.

#### MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen and others be adopted.

On page 1, line 14, after "by the director" insert ", with emphasis on livestock being brought in from outside the state"

On page 2, beginning on line 8, after "livestock" strike "(imported into this state for immediate slaughter)" and insert "imported into this state for immediate slaughter at a federally inspected slaughter facility where federal disease control standards are applied"

Senator Rasmussen spoke in favor of adoption of the

amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen and others on page 1, line 14 to Senate Bill No. 5204.

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

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen 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. 5204.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Berkey - 1

ENGROSSED SENATE BILL NO. 5204, 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. 5037, by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles

Restricting the use of a wireless communications device while operating a moving motor vehicle.

#### MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5037 was substituted for Senate Bill No. 5037 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 2, line 1, after "vehicle" insert "in a county located west of the Cascade mountains with a population density of more than one hundred persons per square mile and a land area of more than one thousand square miles"

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

Senator Eide spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 2, line 1 to Substitute Senate Bill No. 5037.

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Senator Hargrove demanded a division.

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

## MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 2, line 14, after "property" insert "; or

(d) A for hire vehicle that is regulated under chapter 46.72 RCW or regulated in accordance with chapter 81.72 RCW"

Senator Clements spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 2, line 14 to Substitute Senate Bill No. 5037.

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

## MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 14, after "property" insert ";

(d) An amateur radio station who is also holding a valid amateur radio operator license issued by the federal communications commission"

Senators Parlette and Eide spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 14 to Substitute Senate Bill No. 5037.

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

## MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, line 2, after "ear" insert "or while eating or drinking"

Remember the sections consecutively and correct any internal references accordingly.

Senators Holmquist and Pflug spoke in favor of adoption of the amendment.

Senators Hargrove and Eide spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 2 to Substitute Senate Bill No. 5037.

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

## MOTION

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

On page 2, after line 14, insert the following: (d) operating a commercial vehicle who also holds a commercial drivers license while driving within the scope of their employment.

Senator Benton spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

## MOTION

Senator Benton demanded a division.

The President Pro Tempore declared that two additional members supported the demand and the demand was sustained.

Senator Benton demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 14 to Substitute Senate Bill No. 5037.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 17

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 31

Excused: Senator Berkey - 1

## MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, line 26, after "offense." insert "For the first six months after the effective date of this act, law enforcement officers may only issue verbal warnings.

Remember the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

Senator Carrell demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 26 to Substitute Senate Bill No. 5037.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and the amendment was not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Pridemore, Rasmussen,



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Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein  
- 31

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to conduct house-banked social card games at an identified location;

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5037 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Carrell, Senator Morton was excused.

MOTION

At 11:17 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:50 a.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

SECOND READING

SENATE BILL NO. 5558, by Senators Prentice, Honeyford, Kohl-Welles, Delvin, Franklin, Pflug, Keiser, Marr, Fairley and Clements

Regulating house-banked social card games.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5558 was substituted for Senate Bill No. 5558 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. POLICY STATEMENT. In keeping with the gambling policy statement in RCW 9.46.010, the legislature intends to:

(1) Limit the number of licenses that may be issued for conducting house-banked social card games; and

(2) Grant local jurisdictions limited authority to determine the areas within which house-banked social card games may be conducted.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

LIMIT ON HOUSE-BANKED CARD GAME LICENSES.

(1) Except as provided in RCW 9.46.295 and section 4 of this act, the commission may not accept or approve an application to be licensed to conduct house-banked social card games unless the applicant:

(a) As of March 1, 2007, was in operation under an unrevoked and unexpired license to conduct house-banked social card games in the location identified in the license;

(b) As of March 1, 2007, had submitted a completed application as determined by the commission to obtain a license

(c) Has purchased a substantial interest in, or substantially all of the assets of, a business issued a license under (a) or (b) of this subsection to conduct house-banked social card games and the application is for a license to continue to conduct such games in the location identified in the previous license; or

(d) Having been issued a license under (a), (b), or (c) of this subsection, submits a timely application to renew the license for the location identified in the license.

(2) Notwithstanding any ordinance, resolution, or legislative act in existence before the effective date of this section, a city, town, or county may not prohibit the holder of a license issued by the commission to conduct house-banked social card games from conducting such games in the location identified by such license except as follows:

(a) The jurisdiction has a prohibition in effect, enacted after the effective date of this section, applying to house-banked social card games that complies with RCW 9.46.295(1)(a).

(b) A jurisdiction, with a prohibition in effect applying to house-banked social card games that complies with RCW 9.46.295(1)(a), that annexes territory within which a holder of a license issued by the commission to conduct house-banked social card games is conducting such games may prohibit that licensee from conducting such games. To prohibit such activities of the licensee, the jurisdiction must adopt an ordinance, resolution, or other legislative act prohibiting house-banked social card games in the annexed territory and this prohibition may not take effect for eighteen months after the ordinance, resolution, or other legislative act is adopted.

(3) This section does not restrict a holder of a license issued by the commission to conduct house-banked social card games from:

(a) Selling, exchanging, or otherwise transferring such interests in gambling equipment, subject to commission rules regarding the transfer of gambling equipment; or

(b) Relocating that business, subject to the commission's review and approval, but only if the jurisdiction to which the licensee proposes to relocate has in effect an ordinance, resolution, or other legislative act enacted pursuant to section 4 of this act and the proposed location complies with section 4 of this act.

**Sec. 3.** RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

LOCAL JURISDICTION OPTIONS. (1) Any license to engage in any of the gambling activities authorized by this chapter (~~as now exists or as hereafter amended;~~) and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city or town located therein with respect to that city or town, or a county with respect to all areas within that county except for such cities or towns, may:

(a) Absolutely prohibit (~~but may not change the scope of license;~~) any or all of the gambling activities for which the license was issued. However, such prohibition enacted after the effective date of this section relating to house-banked social card games may not be repealed for at least three years from the effective date of the ordinance, resolution, or other legislative act enacting the prohibition; or

(b) Determine, in accordance with section 4 of this act, the areas within which house-banked social card games may be relocated.

(2) This section does not authorize any city, town, or county to adopt or enforce any ordinance, resolution, or other legislative act changing or purporting to change the scope of a license issued under this chapter.

(3) Until July 1, 2010, an ordinance, resolution, or other legislative act that absolutely prohibits the operation of house-banked social card games under subsection (1)(a) of this section that is adopted by a city or town on or after the effective date of this act is subject to referendum under the referendum procedures of RCW 35A.11.100 and 35A.29.170.

NEW SECTION. Sec. 4. A new section is added to chapter 9.46 RCW to read as follows:

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## RELOCATION ZONING ORDINANCES AUTHORIZED.

(1) A city, town, or county that has, pursuant to chapter 36.70A RCW, adopted a comprehensive land use plan containing a statement identifying the jurisdiction's policy regarding the extent to which licensed gambling activity is to be allowed within the jurisdiction may enact, amend, and enforce an ordinance, resolution, or other legislative act, consistent with the policy statement in the comprehensive plan and subject to subsection (2) of this section, that does the following:

(a) Allows the relocation of house-banked social card games within all or part of the city, town, or county. If the ordinance, resolution, or other legislative act allows such games in only part of the jurisdiction, it must:

(i) Designate a land use zone or zones that is not less than and that is wholly contained in one-third of the land use zone or zones within which eating and drinking establishments licensed by the liquor control board are allowed to operate;

(ii) Apply uniformly throughout each designated land use zone or zones within the jurisdiction, with no authority to grant variances or nonconforming uses based on house-banked social card games; and

(iii) Apply only to house-banked social card games that did not have an identified location under section 2(1) of this act in the jurisdiction. However, the house-banked card game licensee may relocate that business into the designated land use zone if it meets the requirements of this section; or

(b)(i) Prohibits house-banked social card games from relocating within up to five hundred feet of any of the following uses that existed on the initial date of application for relocation of the license:

(A) A building used exclusively for religious worship, religious schooling, or other activity in connection therewith;

(B) A residence located in a zone that is identified specifically in a local ordinance or legislative enactment as being composed predominantly of single-family or multifamily residences;

(C) A tax-supported public elementary or secondary school or private school meeting the requirements for private schools under Title 28A RCW; or

(D) Publicly owned or leased buildings designated within the jurisdiction's comprehensive plan and used exclusively by the jurisdiction as a place of business for its employees, elected officials, or for public meetings, including but not limited to any library, courthouse, jail, police station, or fire station.

(ii) Any distances established for the purposes of this subsection (1)(b) must be measured in a straight line from the perimeter property line of the grounds of the use identified under this subsection to the nearest property line of the property within which an applicant has applied to locate house-banked social card games.

(2) The repeal of a land use zone enacted pursuant to this section may not apply for at least three years from the effective date of such ordinance, resolution, or other legislative act to the holder of a license issued by the commission to conduct house-banked social card games who is conducting such games in that location within the jurisdiction on the date that the repeal took effect.

(3) For the purposes of this section, "land use zone" means any area within a jurisdiction that: (a) Is defined by an action of a jurisdiction's legislative body and appears on the jurisdiction's land use zoning map; (b) is situated within a single, continuous, and discrete boundary perimeter; and (c) has land uses within the area that are subject to the same zoning regulations, definitions, or standards as may be determined by the jurisdiction.

(4) The land use petition act, chapter 36.70C RCW, governs challenges regarding the adoption or enforcement of an ordinance, resolution, or other legislative act enacted or amended pursuant to this section.

(5) The commission, its members, and staff are absolutely immune from any legal action relating to a decision of the commission: To issue, renew, or not issue a license under this section or section 2 of this act; or that is based on the commission's interpretation of this section, section 2 of this act, or any local ordinance, resolution, or other legislative act

enacted or amended under this section. No court, board, agency, entity, or tribunal of any kind has jurisdiction to join the commission as a party to any such legal action.

**Sec. 5.** RCW 9.46.070 and 2002 c 119 s 1 are each amended to read as follows:

## POWERS AND DUTIES OF GAMBLING COMMISSION.

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto and to revoke ~~((said))~~ such licenses for violation of any provisions of this chapter or any rules ~~((and regulations))~~ adopted pursuant thereto ~~(= PROVIDED, That))~~. However, except as provided in section 2 of this act, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued ~~(= PROVIDED FURTHER, That))~~. The commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin ~~(= AND PROVIDED FURTHER, That))~~. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto permitting ~~((said))~~ such person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto and to revoke or suspend ~~((said))~~ such licenses for violation of any provisions of this chapter and any rules ~~((and regulations))~~ adopted pursuant thereto ~~(= PROVIDED, That))~~. However, except as provided in section 2 of this act, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued ~~(= PROVIDED FURTHER, That))~~. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules ~~((and regulations))~~ adopted by the commission pursuant to this chapter ~~((as now or hereafter amended))~~, permitting ~~((said))~~ such person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by this chapter;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules ~~((and regulations))~~ adopted pursuant thereto ~~(= PROVIDED, That))~~. All licensing fees shall be submitted with an application therefor and such portion of ~~((said))~~ such fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the

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application and investigation into the granting thereof(~~PROVIDED FURTHER, That~~). If in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant(~~AND PROVIDED FURTHER, That~~). The commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission(~~PROVIDED, That~~). All persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application(~~PROVIDED FURTHER, That~~). The commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule (~~or regulation~~) of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules (~~and regulations~~) as are deemed necessary to carry out the purposes and provisions of this chapter. All rules (~~and regulations~~) shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

(20) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

**NEW SECTION. Sec. 6. CAPTIONS.** Captions as used in this act do not constitute any part of the law.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute Senate Bill No. 5558.

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The motion by Senator Prentice 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 "games;" strike the remainder of the title and insert "amending RCW 9.46.295 and 9.46.070; adding new sections to chapter 9.46 RCW; and creating new sections."

## MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Fairley and Clements spoke in favor of passage of the bill.

## MOTION

On motion of Senator Eide, Senator Brown was excused.

## MOTION

On motion of Senator Brandland, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5558.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5558, 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. 5778, by Senators Fraser, Rockefeller, Poulsen and Kline

Concerning shellfish protection programs.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton 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. 5778.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5778 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SENATE BILL NO. 5778, 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. 5358, by Senators Kline, Kohl-Welles, Fairley, McCaslin and Marr

Protecting the news media from being compelled to testify in legal proceedings.

## MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5358 was substituted for Senate Bill No. 5358 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 1, line 4, after "(2)" insert "or (3)"

On page 1, line 17, after "(2)" insert "A court may compel disclosure of the identity of a source described in subsection (1)(a) of this section if, after conducting an in-camera review, the court finds that the party seeking the identity of a source has established by clear and convincing evidence:

(a)(i) In a criminal investigation or prosecution, that there are reasonable grounds to believe that a crime has occurred; or

(ii) In a civil action or proceeding, that there is a prima facie cause of action; and

(b) In all matters, whether criminal or civil, that:

(i) The identity of a source is highly material and relevant;

(ii) The identity of a source is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto;

(iii) The party seeking the identity of a source has exhausted all reasonable and available means to obtain it from alternative sources; and

(iv) There is a compelling public interest in the disclosure.

(3)"

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

Senator Carrell spoke in favor of adoption of the amendment.

Senator Kline spoke against 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 Senator Carrell on page 1, line 4 to Substitute Senate Bill No. 5358.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Delvin, Senator Parlette was excused.

#### MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

Senator Carrell 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. 5358.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Carrell, Delvin, McCaslin, Morton, Poulsen, Rasmussen and Regala - 7

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 5358, 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.

#### STATEMENT FOR THE JOURNAL

Senator Rasmussen: On March 8, 2007, I inadvertently voted against Senate Bill No. 5358. My intention was to vote in favor of it, but other floor activity distracted me.

SENATOR RASMUSSEN, 2nd Legislative District

#### MOTION

On motion of Senator Eide, 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 TO LIMIT DEBATE

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Senator Eide: "Madam. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 8, 2007."

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

The motion by Senator Eide carried and debate was limited through March 8, 2007.

#### SECOND READING

SENATE BILL NO. 5080, by Senators Marr, Swecker, Murray, Weinstein, Kauffman, Rasmussen, Hatfield, Hobbs, Berkey, Pridemore, Regala, Tom, McCaslin, Oemig, Jacobsen and Rockefeller

Extending waste tire removal fees and the disposition of the fees. Revised for 1st Substitute: Extending tire replacement fees.

#### MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5080 was substituted for Senate Bill No. 5080 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature restates its goal to fully clean up unauthorized waste tire piles in Washington state in an expeditious fashion. In partnership with local governments and the private sector, the legislature encourages ongoing efforts to prevent the creation of future unauthorized waste tire piles. The legislature notes a positive trend in tire recycling in recent years and encourages all parties to continue these strong recycling efforts.

**Sec. 2.** RCW 70.95.510 and 2005 c 354 s 2 are each amended to read as follows:

(1) There is levied a one dollar per tire fee on the retail sale of new replacement vehicle tires ~~((for a period of five years, beginning July 1, 2005)).~~ The fee imposed in this section ~~((shall))~~ must be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller less the ten percent amount retained by the seller as provided in RCW 70.95.535(1) ~~((shall))~~ must be paid to the department of revenue in accordance with RCW 82.32.045.

(2) The department of revenue shall incorporate into the agency's regular audit cycle a reconciliation of the number of tires sold and the amount of revenue collected by the businesses selling new replacement vehicle tires at retail. The department of revenue shall collect on the business excise tax return from the businesses selling new replacement vehicle tires at retail:

- (a) The number of tires sold; and
- (b) The fee levied in this section.

(3) All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section. The department of revenue shall administer this section.

(4) For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

**Sec. 3.** RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. ~~((All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account.))~~ Moneys in the

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account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.95 RCW to read as follows:

Fifty percent of all receipts from tire fees imposed under RCW 70.95.510 must be deposited in the multimodal transportation account under RCW 47.66.070, until June 30, 2010. Beginning July 1, 2010, all receipts from tire fees imposed under RCW 70.95.510 must be deposited in the multimodal transportation account under RCW 47.66.070. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

Fifty percent of all receipts from tire fees imposed under RCW 70.95.510 must be deposited in the waste tire removal account under RCW 70.95.521, until June 30, 2010.

**Sec. 5.** RCW 70.95.530 and 2005 c 354 s 5 are each amended to read as follows:

(1) Moneys in the waste tire removal account may be appropriated to the department of ecology:

(a) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites; and

(b) To accomplish the other purposes of RCW 70.95.020 as they relate to waste tire cleanup under this chapter(~~;~~ and

~~(c) To conduct a study of existing tire cleanup sites. The office of financial management shall oversee the study process and approve the completed study. The completed study shall be delivered to the house of representatives and senate transportation committees by November 15, 2005. In conducting the study, the department shall consult on a regular basis with interested parties. The following identified elements at a minimum shall be included in the completed study:~~

~~(i) Identification of existing tire cleanup sites in the state of Washington;~~

~~(ii) The estimated number of tires in each tire cleanup site;~~

~~(iii) A map identifying the location of each one of the tire cleanup sites;~~

~~(iv) A photograph of each one of the tire cleanup sites;~~

~~(v) The estimated cost for cleanup of each tire [cleanup] site by cost component;~~

~~(vi) The estimated reimbursement of costs to be recovered from persons or entities that created or have responsibility for the tire cleanup site;~~

~~(vii) Identification of the type of reimbursements for recovery by each of the tire cleanup sites;~~

~~(viii) The estimated time frame to begin the cleanup project and the estimated completion date for each tire cleanup site;~~

~~(ix) An assessment of local government functions relating to unauthorized tire piles, including cleanup, enforcement, and public health;~~

~~(x) Identification of needs in the areas in (c)(ix) of this subsection for each one of the counties; and~~

~~(xi) A statewide cleanup plan based on multiple funding options between twenty cents and sixty cents for each new tire sold at retail in the state starting on July 1, 2005. The plan shall include the estimated time frame to begin each of the tire cleanup sites and the estimated completion date for each one of the sites. In addition, the plan must include a process to be followed in selecting entities to perform the tire site cleanups. The 2006 legislature shall determine the final distribution of the tire cleanup fee and the appropriations for this statewide tire cleanup plan).~~

(2) In spending funds in the account under this section, the department of ecology shall identify communities with the most severe problems with waste tires and provide funds first to those communities to remove accumulations of waste tires.

(3) (~~Immediately after July 1, 2005, the department of ecology shall initiate a pilot project in a city with a population between three and four thousand within a county with a population less than twenty thousand to contract to clean up a formerly licensed tire pile in existence for ten or more years. To~~

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~~begin the project, the department shall seek to use financial assurance funds set aside for clean up of the tire pile. For purposes of this subsection, population figures are the official 2004 population as estimated by the office of financial management for purposes of state revenue allocation.) On September first of even-numbered years, the department of ecology shall provide a report to the house and senate transportation committees on the progress being made on the cleanup of unauthorized waste tire piles in the state and efforts underway to prevent the formation of future unauthorized waste tire piles. The report should detail any additional waste tire piles discovered since the last report and present a plan to clean up these new unauthorized waste tire piles if they have not already done so, as well as include a listing of authorized waste tire piles and transporters. The report shall also include the status of funds available to the program and a needs assessment of the program. On September 1, 2008, the department shall also make recommendations to the committees for an ongoing program to prevent the formation of future unauthorized waste tire piles. Such a program, if required, must include joint efforts with local governments and the tire industry.~~

**Sec. 6.** RCW 70.95.555 and 2005 c 354 s 6 are each amended to read as follows:

Any person engaged in the business of transporting or storing waste tires shall be licensed by the department. To obtain a license, each applicant must:

(1) Provide assurances that the applicant is in compliance with this chapter and the rules regarding waste tire storage and transportation;

(2) Accept liability for and authorize the department to recover any costs incurred in any cleanup of waste tires transported or newly stored by the applicant in violation of this section, or RCW 70.95.560, 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1, 2005;

(3) (~~Until January 1, 2006, post a bond in the sum of ten thousand dollars in favor of the state of Washington for waste tires transported or stored before July 1, 2005. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;~~

~~(4)) (4) After January 1, 2006, for waste tires transported or stored before July 1, 2005, or for waste tires transported or stored after July 1, 2005, post a bond in an amount to be determined by the department sufficient to cover the liability for the cost of cleanup of the transported or stored waste tires, in favor of the state of Washington. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;~~

~~((5)) (4) Be registered in the state of Washington as a business and be in compliance with all state laws, rules, and local ordinances;~~

~~((6)) (5) Have a federal tax identification number and be in compliance with all applicable federal codes and regulations; and~~

~~((7)) (6) Report annually to the department the amount of tires transported and their disposition. Failure to report shall result in revocation of the license."~~

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to chapter 70.95 RCW; and creating a new section."

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

Senator Honeyford spoke against adoption of the striking amendment.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 1, line 12, strike "one dollar", and insert "fifty cents"

On page 1, line 13, after "tires", insert "for a period of five years, (SIC) beginning July 1, 2005".

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On page 2, line 6, after "treasury", insert the following: "All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account."

On page 2, line 12, strike all of section 4.

Senators Honeyford and Marr spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 12 to the striking amendment to Substitute Senate Bill No. 5080.

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

#### PARLIAMENTARY INQUIRY

Senator Schoesler: "Madam President, I submit to you that this measure takes a two-thirds vote for final passage under Initiative 601 because it changes what was a dedicated fee into a general tax. Madam President, the speaker or President has consistently ruled that dedicated fees do not trigger the super majority requirements of I-601 but general tax increases do. In this case we have a strange set of circumstances where a bill would change what was a dedicated fee for a specific purpose into a general tax for no specific purpose. Under this bill, half of the funds collected under this bill are to be sent to a general spending account with no limitation or connection to the purpose of the original fee which was waste tire removal. For these reasons I believe it takes a two-thirds vote of this body on final passage and I respectfully ask for a ruling thereon."

Senator Haugen spoke against the parliamentary inquiry.

#### POINT OF ORDER

Senator Brown: "Thank you Madam President, I believe it customary in these types of, when these types of points are brought forward, that we have one speech on each side."

The President assumed the chair.

#### PARLIAMENTARY INQUIRY

Senator Eide: "We are currently on amendments if I'm not mistaken and don't we have this type of ruling on final passage?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler's point was a little early. Although it is the striking amendment it is the same effect as the bill so the President believes that it would be more appropriate if we took it on final passage, that the amendment be dealt with before the point of order. But if you are not willing to wait, I'll do the point of order first. Senator Schoesler, normally your point of order would be taken on final passage so we'll dispose of the amendment first and then I'll take your point of order, if that's agreeable. Thank you."

#### MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5080 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

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SENATE JOINT MEMORIAL NO. 8011, by Senators McAuliffe, Clements, Rasmussen, Eide, Oemig, Sheldon, Shin, Kline and Tom

Petitioning Congress to raise funding levels of the No Child Left Behind Act.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Joint Memorial No. 8011 was substituted for Senate Joint Memorial No. 8011 and the substitute memorial was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Joint Memorial No. 8011 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator McAuliffe spoke in favor of passage of the memorial.

#### MOTION

On motion of Senator Delvin, Senators Hewitt, Parlette and Schoesler were excused.

#### MOTION

On motion of Senator Regala, Senators Brown, Eide and Spanel were excused.

Senator Holmquist spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8011.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8011 and the memorial passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Absent: Senator Hargrove - 1

Excused: Senators Brown, Eide, Hewitt, Parlette, Schoesler and Spanel - 6

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5550, by Senators Weinstein, Kohl-Welles, Murray, Kauffman, Kastama, Tom, Rockefeller, Pridemore, Spanel, Marr, Haugen, Eide, McAuliffe, Hargrove, Hatfield, Fraser, Kilmer, Jacobsen, Brown, Keiser, Shin, Franklin, McCaslin, Poulsen, Oemig, Kline and Regala

Concerning real property.

#### MOTION

On motion of Senator Weinstein, Substitute Senate Bill No. 5550 was substituted for Senate Bill No. 5550 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Weinstein moved that the following striking amendment by Senator Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appliances, fixtures, and items of equipment" means furnaces, boilers, oil tanks and fittings, air purifiers, air handling equipment, ventilating fans, ceiling fans, air conditioning equipment, water heaters, pumps, stoves, ranges, ovens, refrigerators, garbage disposals, compactors, dishwashers, automatic door openers, washers and dryers, bathtubs, sinks, toilets, faucets and fittings, lighting fixtures, lighting control and energy management systems, security systems, circuit breakers, and other similar items.

(2) "Builder" means any person, corporation, general contractor, or other legal entity that:

(a) Is engaged in the business of erecting or otherwise constructing a new home; or

(b) Purchases a completed new home for resale in the course of its business.

(3) "Defect" means any violation or nonconformity with applicable building codes, regulations, or permits that has an adverse effect or will have an adverse effect on the new home or component of the new home alleged to be in violation of the new home warranty. As used in this subsection, an "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the new home uninhabitable or unfit for its intended purpose.

(4) "Electrical systems" means all wiring, electrical boxes, switches, outlets, and connections to the public utility system.

(5) "Heating, cooling, and ventilating systems" means all duct work, gas, steam, water and refrigerant lines, registers, convectors, solar panels, radiation elements, and dampers.

(6) "Load-bearing portions of the home" means the load-bearing portions of the:

(a) Foundation system and footings;

(b) Beams;

(c) Girders;

(d) Lintels;

(e) Columns;

(f) Walls and partitions;

(g) Floor systems; and

(h) Roof framing systems.

(7)(a) "New home" means every newly constructed private dwelling unit in the state and the appliances, fixtures, and items of equipment and structure that are made a part of a newly constructed private dwelling unit at the time of construction. Newly constructed private dwelling units include substantial remodels. "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the improvements for property tax purposes at the time the contract for remodel was made.

(b) "New home" does not include:

(i) A condominium, as defined in RCW 64.34.020, used for residential purposes, as defined in RCW 64.34.020;

(ii) A residential timeshare as defined in RCW 64.36.010;

(iii) A manufactured home or mobile home as defined in RCW 65.20.020;

(iv) Outbuildings, including detached garages and carports, except outbuildings that contain plumbing, electrical, heating, cooling, or ventilation systems serving the new home, and then only to the extent that defects to the outbuildings could affect these systems;

(v) Driveways;

(vi) Walkways;

(vii) Boundary walls;

(viii) Retaining walls not necessary for the structural stability of the new home;

(ix) Landscaping;

(x) Sprinkler or irrigation systems;

(xi) Fences;

(xii) Off-site improvements;

(xiii) Appurtenant recreational facilities; and

(xiv) Other similar items as determined by the director of the department of labor and industries by rule.

(8) "New home warranty" means the warranty created in section 2 of this act.

(9) "Owner" means the purchaser of a new home or any subsequent owner of a home to which the warranty created in section 2 of this act applies.

(10) "Plumbing systems" means:

(a) Gas supply lines and fittings;

(b) Water supply, waste, and vent pipes and their fittings;

(c) Septic tanks and their drain fields; and

(d) Water, gas, and sewer service piping and their extensions to the tie-in of a public utility connection, or on-site wells and sewage disposal systems.

(11)(a) "Structural defect" means any defect in the load-bearing portions of a new home that adversely affects its load-bearing function to the extent that the home becomes or is in danger of becoming unsafe, unsanitary, or otherwise not reasonably safely inhabitable.

(b) "Structural defect" also includes damage due to subsidence, expansion, or lateral movement of soil that has been disturbed or relocated by the builder.

(c) "Structural defect" does not include damage caused by movement of the soil:

(i) Resulting from a flood or earthquake; or

(ii) For which compensation has been provided.

(12) "Warranty date" means the first day on which the owner occupies the new home, closes on the new home, makes the final contract payment on the new home, or obtains an occupancy permit for the new home if the home is built on the owner's property, whichever is earlier.

**NEW SECTION. Sec. 2.** (1)(a) Except as excluded under (b) of this subsection, every contract for the construction or sale of a new home includes, as a matter of law, a warranty from the residential builder that shall warrant at a minimum that:

(i) For two years, beginning on the warranty date, the new home is free from any defects in materials and workmanship;

(ii) For three years, beginning on the warranty date, the new home is free from any defects in the electrical, plumbing, heating, cooling, and ventilating systems, except that in the case of appliances, fixtures, and items of equipment, the warranty need not exceed the length and scope of the warranty offered by the manufacturer, and the warranty of merchantability, fitness, and all other implied warranties with respect to appliances, fixtures, and items of equipment shall be governed by the Washington uniform commercial code;

(iii) For five years, beginning on the warranty date, the new home is free from any defects that permit or, without repair, will lead to water penetration; and

(iv) For ten years, beginning on the warranty date, the new home is free from any structural defects.

(b) The new home warranty excludes the following:

(i) Damage to real property that is not part of the home covered by the warranty or that is not included in the purchase price of the home;

(ii) Bodily injury or damage to personal property;

(iii) Any defect in materials supplied or work performed by anyone other than the builder or the builder's employees, agents, or subcontractors;

(iv) Any damage that the owner knew or had reason to know existed but has not taken reasonable action to mitigate;

(v) Normal wear and tear or expiration of normal useful life;

(vi) Insect damage, except where the builder has failed to use proper materials or construction methods designed to prevent insect infestation;

(vii) Any loss or damage that arises while the home is being used primarily for nonresidential purposes;

(viii) Any damage to the extent it is caused or made worse by negligence, improper maintenance, or improper operations by anyone other than the builder or its employees, agents, or subcontractors;



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(ix) Any damage to the extent it is caused or made worse by changes of the grading of the ground by anyone other than the builder, its employees, agents, or subcontractors; and

(x) Any loss or damage caused by acts of God.

(2) The warranty created by this section runs from the builder to the owner. This warranty entitles the owner to recover from the builder all costs associated with repairing the defects, including all incidental and consequential damages. The liability of a builder under the new home warranty shall be limited to the fair market value of the home. Absence of privity of contract between the owner and the builder is not a defense to the enforcement of this warranty.

(3) If the defect is the result of work performed by a subcontractor, the builder has a right of contribution from that subcontractor for amounts paid to the owner as a result of the new home warranty.

(4) No action to enforce the new home warranty created by this section may be commenced after six years have passed from the time the defect is discovered or, with reasonable diligence, should have been discovered. However, an action may not be brought under this section more than ten years after the warranty date. Providing written notice and a reasonable description of a defect to the builder has the effect of tolling the limitation periods established by this subsection and subsection (5) of this section. Tolling continues until the builder completes the repair to the owner's satisfaction, or the builder gives the owner written notice that the builder refuses to make the repair or has completed as much of the repair as the builder intends to complete.

(5) Except as provided in subsection (4) of this section, no action to enforce the new home warranty created by this section may be filed later than the time periods described in subsection (1)(a) of this section.

(6) The new home warranty is a cumulative remedy, and shall not have the effect of diminishing or replacing any other remedy or warranty created by law or equity or agreement between the parties.

(7) The new home warranty does not expire on the subsequent sale of a new home by the owner to a subsequent purchaser, but continues to protect later purchasers until the warranties provided in subsection (1)(a) of this section expire.

(8) The new home warranty created in this section may not be omitted, waived, or disclaimed in any way.

(9) All new homes must include in the purchase and sale agreement between the builder and the buyer the following statement: "This home was built in accordance with the statutory warranty set forth in chapter 64.-- RCW (sections 1 and 2 of this act), which representation and warranty may not be omitted, waived, or disclaimed in any way." This subsection is intended to provide notice to owners of their rights under the new home warranty created under sections 1 and 2 of this act and is not intended to create a separate cause of action under this act.

(10) This chapter is not intended to create an independent right to maintain a class action against any builder.

**Sec. 3.** RCW 4.16.300 and 2004 c 257 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is specifically intended to benefit persons having performed work for which the persons must be registered or licensed under RCW 18.08.310, 18.27.020, 18.43.040, 18.96.020, or 19.28.041, and shall not apply to claims or causes of action against persons not required to be so registered or licensed.

(2) RCW 4.16.300 through 4.16.320 shall not apply to chapter 64.--RCW (sections 1 and 2 of this act).

**NEW SECTION. Sec. 4.** (1) A committee on residential construction is created. The committee consists of the following members who have experience and expertise in residential construction law or residential construction:

(a) One member from each caucus of the senate, appointed by the president of the senate;

(b) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(c) The following eleven members jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) One builder of single-family homes, based upon the recommendation of the statewide building industry association;

(ii) One residential construction defense attorney with experience representing builders in single-family construction defect actions;

(iii) One residential construction plaintiff attorney with experience representing homeowners in single-family construction defect actions;

(iv) Three representatives of the Washington homeowners coalition;

(v) One third-party private building inspector;

(vi) One architect;

(vii) One representative of the statewide building industry association;

(viii) One representative of the insurance industry; and

(ix) One expert in water penetration issues affecting residential construction; and

(d) One person appointed by the governor to serve as chair of the committee.

(2) The committee shall:

(a) Study the cause, extent, and type of construction defects currently existing with single-family residential construction;

(b) Evaluate the existing remedies for homeowners in Washington for single-family residential construction defects;

(c) Examine what contractors and their industry groups can do to improve the quality of construction to minimize construction defects and, as a result, reduce contractors' liability costs as well as reduce problems for their customers;

(d) Examine the issue of contractor licensing including, but not limited to, whether contractors should be licensed and what education and training requirements should exist;

(e) Evaluate whether current surety bond requirements are sufficient or if increased or additional bonding requirements are necessary to protect both construction professionals and homebuyers;

(f) Determine whether there should be increased standards for city and county building inspectors and examine if changes are needed to the permit sign off process;

(g) Assess whether changes to the building code are necessary to avoid water penetration problems; and

(h) Examine the costs and benefits of the statutory warranty created in section 2 of this act, including availability of insurance, efficient access to justice, and potential application of alternative dispute resolution, and evaluate whether there is a more cost-effective way to protect both the homeowners and the residential construction industry in Washington state. Within this evaluation, the committee shall examine other states that have implemented statutory home warranties including, at a minimum, Maryland and California.

(3) Staff support for the committee must be provided by senate committee services and the house of representatives office of program research.

(4) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) By December 31, 2007, the committee shall deliver to the consumer protection and housing committee of the senate and the judiciary committee of the house of representatives a report of the findings and conclusions of the committee and any proposed legislation.

(6) This section expires on January 1, 2008.

**NEW SECTION. Sec. 5.** Sections 1 and 2 of this act constitute a new chapter in Title 64 RCW.

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**NEW SECTION. Sec. 6.** Sections 1 and 2 of this act take effect July 1, 2008."

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

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 1, beginning on line 3 of the amendment, after "1." strike all material through "earlier." on line 33, page 3 of the amendment and insert "The legislature finds that homeowners have experienced problems in residential construction, resulting in great economic loss, only to discover that there are limited remedies available at law, if any. However, it is unclear if construction defects are an industry-wide problem or limited to a small segment of builders and other construction professionals. The scope and nature of the problem must be determined in order for the legislature to develop a comprehensive solution that may necessitate several pieces of legislation covering a wide range of issues from contractor licensing, permit processes and sign offs, requirements of the state building code and of building officials, as well as homeowner warranties."

Beginning on page 3, line 34 of the amendment, strike all of sections 2 and 3

On page 6, beginning on line 26 of the amendment, after "(1)" strike all material through "2008." on line 18, page 8 of the amendment and insert "A committee on residential construction is created. The committee consists of the following members who have experience and expertise in residential construction law or residential construction:

(a) One member from each caucus of the senate, appointed by the president of the senate;

(b) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of labor and industries or the director's designee;

(d) The president of the state building code council or the president's designee;

(e) One third-party private building inspector;

(f) One expert in water penetration issues affecting residential construction;

(g) The following four members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) Two builders;

(ii) A residential construction defect plaintiff's attorney; and

(iii) A residential construction defect defense attorney.

(2) The committee shall choose two cochairs from among its membership.

(3) The committee shall:

(a) Examine the issue of contractor licensing including, but not limited to, whether contractors should be licensed and what education and training requirements should exist;

(b) Evaluate whether current surety bond requirements are sufficient or if increased or additional bonding requirements are necessary to protect both construction professionals and homebuyers;

(c) Examine the state building code and determine whether the code should be strengthened to protect homeowners;

(d) Determine whether there should be increased standards for city and county building inspectors;

(e) Study current remedies at law for residential construction defects;

(f) Examine homeowner insurance warranty products; and

(g) Using the statutory home warranty proposed in chapter . . . (Substitute Senate Bill No. 5550), Laws of 2007 as a model,

evaluate what impact a statutory warranty for new home construction would have on the industry and homebuyers including, but not limited to, any concerns regarding increased insurance costs for construction professionals. Within this evaluation, the committee shall examine other states that have implemented statutory home warranties including, at a minimum, Maryland and California.

(4) By December 31, 2008, the committee shall deliver to the consumer protection and housing committee of the senate and the judiciary committee of the house of representatives a report of the findings and conclusions of the committee and any proposed legislation."

On page 8, after line 18 of the amendment, insert the following:

**"NEW SECTION.** This act expires January 31, 2009."

On page 8, beginning on line 19 of the amendment, strike all of sections 5 and 6

Renumber the sections consecutively and correct any internal references accordingly.

On page 8, beginning on line 24 of the title amendment, after "insert" strike the remainder of the title amendment and insert "creating a new section and providing an expiration date."

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Weinstein spoke against adoption of the amendment to the striking amendment.

Senator Honeyford demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 3 to the striking amendment to Substitute Senate Bill No. 5550.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Weinstein to the striking amendment be adopted.

On page 5, line 3, after "including all" insert "economic"

Senators Hargrove and Weinstein spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Weinstein on page 5, line 3 to the striking amendment to Substitute Senate Bill No. 5550.

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

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The President declared the question before the Senate to be the adoption of the striking amendment by Senator Weinstein as amended to Substitute Senate Bill No. 5550.

The motion by Senator Weinstein carried and the striking amendment as amended 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 "property;" strike the remainder of the title and insert "amending RCW 4.16.300; adding a new chapter to Title 64 RCW; creating a new section; providing an effective date; and providing an expiration date."

#### MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Substitute Senate Bill No. 5550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Tom and Jacobsen spoke in favor of passage of the bill.

Senators Honeyford, Sheldon, Benton, Roach and Clements 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. 5550.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5550 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

ENGROSSED SUBSTITUTE SENATE BILL NO. 5550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5550 was immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE BILL NO. 5118, by Senators Kohl-Welles, Brandland, Keiser, Murray, Prentice, McAuliffe, Marr and Shin

Developing sexual harassment policies, procedures, and mandatory training for all state employees.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements 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. 5118.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Carrell and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5118, 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. 5142, by Senators Fraser and Swecker

Modifying the disbursement of funds by air pollution control agencies.

The measure was read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, line 2, after "board." insert "An authority that disburses its own funds must require the board's financial officer, who must be a person other than its executive director, to submit a monthly certified statement to the board setting forth all financial transactions of the authority for the previous thirty days."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Fraser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 2 to Senate Bill No. 5142.

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

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Fairley was excused.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5142.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, McCaslin, Poulsen and Schoesler - 4

SENATE BILL NO. 5142, 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. 5894, by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell

Clarifying the regulatory authority for on-site sewage systems.

## MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5894 was substituted for Senate Bill No. 5894 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller be adopted.

On page 4, after line 33, insert the following:

"(9) Any permit issued by the department of ecology for a large on-site sewage system under chapter 90.48 RCW is valid until it first expires after the effective date of this section. The system owner shall apply for an operating permit at least one hundred twenty days prior to expiration of the department of ecology permit."

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

Senator Rockefeller 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 Rockefeller on page 4, line 33 to Substitute Senate Bill No. 5894.

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

## MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 5, line 2, after "rules" insert "that are consistent with and no more stringent than the provisions of this chapter"

Senator Holmquist spoke in favor of adoption of the

amendment.

Senator Rockefeller spoke against adoption of the amendment.

A division was demanded.

The President declared that two additional members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 5, line 2 to Engrossed Substitute Senate Bill No. 5894.

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

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5894.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5894 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist, McCaslin, Morton, Roach and Stevens - 8

Absent: Senator Regala - 1

Excused: Senator Kline - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, 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. 5634, by Senators Brandland, Kline, McCaslin and Delvin

Revising corrections personnel training provisions.

## MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland 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. 5634.

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## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5634, 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. 5039, by Senators Eide, Murray, Marr, Shin, Rockefeller, Weinstein, Rasmussen, Kauffman, Keiser, Jacobsen, Haugen and Kohl-Welles

Providing for the state investment board to administer scholarship endowment funds. Revised for 1st Substitute: Providing for the state investment board to manage scholarship endowment funds.

## MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5039 was substituted for Senate Bill No. 5039 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide 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. 5039.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Poulsen and Sheldon - 2

SUBSTITUTE SENATE BILL NO. 5039, 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. 5116, by Senators Kastama, Kilmer, Kauffman, McAuliffe, Shin, Parlette, Kohl-Welles, Rasmussen and Regala

Creating a public-private tourism partnership.

## MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5116 was substituted for Senate Bill No. 5116 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Zarelli 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. 5116.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5116 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 5116, 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. 5231, by Senators Berkey, Roach, Fairley, Pridemore and Shin

Revising provisions relating to water-sewer districts.

## MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5231 was substituted for Senate Bill No. 5231 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey 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. 5231.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5231 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

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SUBSTITUTE SENATE BILL NO. 5231, 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. 5244, by Senators Hargrove, Stevens and Brandland

Implementing the deficit reduction act.

#### MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5244 was substituted for Senate Bill No. 5244 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. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5244.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5244, 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. 5490, by Senator Brandland

Adding a law enforcement representative to the adult family home advisory committee.

The measure was read the second time.

#### MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland 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. 5490.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

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SENATE BILL NO. 5490, 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. 5613, by Senators Kilmer, Kastama, Kauffman, Shin, Delvin, Brown and McAuliffe

Concerning entrepreneurial training opportunities.

The measure was read the second time.

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5613.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5613, 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. 5153, by Senators Franklin, Kohl-Welles, Shin, Weinstein, Oemig, Keiser, Kauffman, Rockefeller, Fairley, Hargrove, Rasmussen, Spanel, Fraser, Jacobsen and Haugen

Encouraging employers to be infant-friendly.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5153 was substituted for Senate Bill No. 5153 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Franklin and Clements 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. 5153.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5153 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 41

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette and Zarelli - 8

SUBSTITUTE SENATE BILL NO. 5153, 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. 5542, by Senators Jacobsen, McAuliffe, Poulsen, Honeyford, Rasmussen and Holmquist

Creating the heritage barn preservation program.

## MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5542 was substituted for Senate Bill No. 5542 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Honeyford 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. 5542.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Voting nay: Senator Tom - 1

SUBSTITUTE SENATE BILL NO. 5542, 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. 5652, by Senators Kauffman, Kastama, Kilmer, Brown, Berkey, Rockefeller, Keiser and Shin

Establishing the microenterprise development program.

## MOTIONS

On motion of Senator Kauffman, Second Substitute Senate Bill No. 5652 was substituted for Senate Bill No. 5652 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Second Substitute Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman 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. 5652.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5652, 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. 5743, by Senators Kastama, Kilmer and Shin

Linking economic clusters and quality management practices to customized training.

## MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5743 was substituted for Senate Bill No. 5743 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5743.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

SECOND SUBSTITUTE SENATE BILL NO. 5743, 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. 5826, by Senators Berkey, Benton, Roach, Zarelli, Kauffman, Marr, Kilmer, Carrell, Hobbs, Schoesler, Franklin, Haugen and Shin

Modifying consumer credit report provisions.

#### MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5826 was substituted for Senate Bill No. 5826 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey 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. 5826.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5826 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5826, 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. 5995, by Senators Kastama, Zarelli, Kilmer, Clements, Kauffman, Shin, Pridemore, Regala, Fairley, Brown, Jacobsen and Rasmussen

Providing for the role of the economic development commission in state government.

#### MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5995.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5995, 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. 5052, by Senators Eide, Roach, Franklin, Hobbs, Fairley, Kastama, Prentice, Jacobsen, Shin and Parlette

Prohibiting interested third parties from processing insurance claims.

#### MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5052.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 5052, 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. 5290, by Senators Keiser, Kohl-Welles and Clements

Establishing industrial insurance medical and chiropractic advisory committees.

#### MOTION



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On motion of Senator Keiser, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Clements be adopted.

On page 2, beginning on line 5, after "The director" strike all material through "from" on line 6 and insert "shall select the members from the nominations provided by"

On page 2, line 10, after "management" strike "and naturopathic medicine"

On page 2, line 12, after "medicine." insert "The director may choose up to two additional members, not necessarily from the nominations submitted, who have expertise in occupational medicine."

On page 3, after line 7, insert the following:

"(10) The workers' compensation advisory committee may request that the industrial insurance medical advisory committee consider specific medical issues that have arisen multiple times during the work of the workers' compensation advisory committee. The industrial insurance medical advisory committee is not required to act on the request."

Senators Keiser and Clements 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 Keiser and Clements on page 2, line 5 to Substitute Senate Bill No. 5290.

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

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Clements 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. 5290.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, 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. 5919, by Senators Hobbs, Benton, Berkey, Schoesler, Hatfield, Roach and Shin

Providing relief from retaliatory taxes on insurance premium taxes.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5919 was substituted for Senate Bill No. 5919 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5919.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5919, 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. 5597, by Senators Franklin, Benton, Zarelli, Kauffman, Kline, Carrell, Poulsen, Keiser, Kohl-Welles, Delvin and Roach

Concerning contracts with chiropractors.

#### MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5597 was substituted for Senate Bill No. 5597 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Jacobsen and Rockefeller be adopted.

On page 2, line 6, after "(3)" insert "This section applies only to services within the direct scope of practice of the licensed chiropractor. Nothing in this section requires carriers to pay for the services of other license categories for whom it contracts directly, including but not limited to licensed massage practitioners or radiology, or for services delivered by unlicensed persons, including students.

(4) This section does not authorize billing practices that would not be permitted under the federal or state medicare or medicaid as applied to physician practices.

(5)"

Senators Rasmussen, Pflug and Rockefeller spoke in favor of adoption of the amendment.

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Senators Keiser and Franklin spoke against adoption of the amendment.

Senator Rasmussen demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Clements, Hargrove, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Murray, Parlette, Pflug, Rasmussen, Rockefeller, Schoesler, Sheldon, Shin and Tom - 19

Voting nay: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Poulsen, Prentice, Pridemore, Regala, Roach, Spanel, Stevens, Swecker, Weinstein and Zarelli - 30

#### MOTION

Senator Rasmussen moved that the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597 be withdrawn.

#### MOTION

Senator Pflug moved that the following amendment by Senators Rasmussen, Jacobsen and Rockefeller be adopted.

On page 2, line 6, after "(3)" insert "Nothing in this section is intended to override, conflict with, or enhance the network adequacy, claims processing, care delivery, quality, or utilization review standards of health carriers registered under this chapter. The Washington state chiropractic quality assurance commission may not directly or indirectly set standards that require carriers to pay for services of unproven efficacy, or that apply service delivery standards that have the intent or effect of raising health care costs.

(4)"

Senators Pflug and Parlette spoke in favor of adoption of the amendment.

Senators Franklin and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597.

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

#### MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Jacobsen and Rockefeller be adopted.

On page 2, line 6, after "(3)" insert "A chiropractor shall not enter into an agreement for, charge, or collect an illegal or excessive fee. A fee is illegal when services of nonlicensed employees, students, or trainees are billed as if delivered by, or at the same rate as, the chiropractor. A chiropractor may not bill for services delivered by other persons or for services outside of

his or her scope of practice. A chiropractor may not require any person or payor to engage the services of other professionals in order to secure the services of the chiropractor. A chiropractor shall not prescribe nor perform any services which are not reasonably necessary in consideration of the patient's condition and shall furnish an explanation of charges for chiropractic services upon request of the commission or the state attorney general's office.

(4)"

Senators Rasmussen and Pflug spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597.

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

#### MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Pflug and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5597.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 39

Voting nay: Senators Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Parlette, Pflug, Rasmussen, Sheldon and Tom - 10

SECOND SUBSTITUTE SENATE BILL NO. 5597, 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 Kohl-Welles: "I'd just like to remind everybody that this is International Women's Day and that we are very proud to hold the record of the highest percentage of women in the country and the state senate, forty-one percent. Forty-five percent of the governor's cabinet are women, record nationally, and forty-four of the governor's appointments to boards and commissions are women. We know what other records we hold. We've talked about it on Tuesday."

On motion of Senator Eide, the Senate recessed until 6:45 p.m.

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The President called the Senate to order at 6:45 p.m.

MOTION

## SECOND READING

SENATE BILL NO. 5398, by Senators Marr, Brandland and Keiser

Licensing specialty hospitals.

The measure was read the second time.

## MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Clements, Senators Brandland, Delvin, Hewitt, Holmquist, Parlette, Roach and Zarelli were excused.

## MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5398.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5398 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 42

Voting nay: Senators McCaslin and Swecker - 2

Excused: Senators Delvin, Holmquist, Jacobsen, Parlette and Zarelli - 5

SENATE BILL NO. 5398, 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. 5759, by Senators Schoesler, Delvin and Shin

Including the boards of trustees of technical colleges in the definition of "executive state officer."

The measure was read the second time.

## MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

On motion of Senator Regala, Senators Berkey, Brown, Haugen, Hobbs and Shin were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5759.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom and Weinstein - 41

Excused: Senators Berkey, Brown, Delvin, Haugen, Hobbs, Jacobsen, Shin and Zarelli - 8

SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 7:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:26 p.m. by President Owen.

## SECOND READING

SENATE BILL NO. 5108, by Senators Haugen, Rasmussen, Jacobsen, Shin, Spanel, Swecker, Brandland, Hatfield and Parlette

Creating the office of farmland preservation.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5108 was substituted for Senate Bill No. 5108 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5108.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Brandland, Holmquist and Honeyford

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- 3

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5108, 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.

## STATEMENT FOR THE JOURNAL

Earlier this evening, given the enormous volume of bills, amendments, and motions before the Senate, I inadvertently voted "no" on the final passage of Substitute Senate Bill No. 5108, which would create an office of farmland preservation. I recognize how tremendously important farmland is to my district and our state, and any effort to retain farmland has my full support. I regret this mistake, and should have voted "yes" to pass this important measure.

Sincerely,

SENATOR DALE BRANDLAND, 42nd Legislative District

## SECOND READING

SENATE BILL NO. 5113, by Senators Schoesler, Rasmussen, Holmquist, Clements, Morton, Hatfield and Pridemore

Authorizing the application of barley straw to waters of the state.

The measure was read the second time.

## MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## PARLIAMENTARY INQUIRY

Senator Roach: "In regards to the issue that was just brought up, you know we're going to be doing these bills and it just seems to me that when we got two books with which we're dealing-to have one for the supplement; one from the yellow; from the yellow; yellow; yellow; supplement; supplement; yellow; yellow, that. We're going to do them anyway. Why can't we stick in one book? For, just a courtesy question, that 's all."

## POINT OF ORDER

Senator Brown: "It's not a point of personal privilege."

## REPLY BY THE PRESIDENT

President Owen: "That's correct. The President believes with the page numbers and the bill numbers that you should be able to find the bills ahead of time on the calendar."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5113.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SENATE BILL NO. 5113, 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. 5305, by Senators Franklin, Hargrove, Brandland, Eide, Hobbs, Spanel, Swecker, McAuliffe, Regala, Kauffman, Kohl-Welles, Fairley, Tom, Murray, Zarelli, Jacobsen, Keiser, Shin, Honeyford, Parlette, Rasmussen, Roach, Kline and Marr

Extending medicaid coverage for foster youth.

## MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin 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. 5305.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5305, 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. 5470, by Senators Hargrove, Stevens, McAuliffe, Brown and Regala

Revising provisions concerning dissolution proceedings.

## MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5470 was substituted for Senate Bill No. 5470 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

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Senator Kastama moved that the following amendment by Senators Kastama, Oemig and Shin be adopted.

On page 32, line 1, after "RCW 26.09.191." strike "Where" and insert "Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, there is a rebuttable presumption that each parent shall have periods of time, amounting to at least one-third of a year, in which the child resides with or is under the actual, direct, day-to-day care and supervision of each of the parents. In addition, where"

Senators Kastama and Shin spoke in favor of adoption of the amendment.

Senators Hargrove, Stevens, Rockefeller and Pflug spoke against adoption of the amendment.

Senator Eide demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Oemig and Shin on page 32, line 1 to Second Substitute Senate Bill No. 5470.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Kastama, Oemig and Shin and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Carrell, Clements, Franklin, Hobbs, Honeyford, Kastama, McCaslin, Morton, Oemig, Poulsen, Rasmussen, Roach, Sheldon, Shin, Swecker, Tom and Weinstein - 19

Voting nay: Senators Brandland, Brown, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Spanel and Stevens - 27

Excused: Senators Delvin, Jacobsen and Zarelli - 3

## MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Brown 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. 5470.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SECOND SUBSTITUTE SENATE BILL NO. 5470, 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. 5534, by Senators Kohl-Welles, Clements and Keiser

Granting an exemption from unemployment compensation contributions for certain small performing arts industries. Revised for 1st Substitute: Creating an exemption from unemployment compensation for certain small performing arts industries.

## MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5534 was substituted for Senate Bill No. 5534 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements 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. 5534.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5534, 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. 5342, by Senators Kline and Kohl-Welles

Modifying drug court provisions.

## MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 2, after line 26, insert the following: "(4) The drug court may charge a reasonable fee for participation in the drug court program."

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be

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the adoption of the amendment by Senator Kline on page 2, line 26 to Substitute Senate Bill No. 5342.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senators Roach and Carrell spoke against passage of the bill.

#### PARLIAMENTARY INQUIRY

Senator Pflug: "Thank you Mr. President. Perhaps this is a point of inquiry, but I have the bill book here open and on page 2, line 10, of the bill it strikes the language. 'The offender has not previously been convicted of a serious violent offense or sex offense.' So, it appears to me that the current form of the bill does indeed strike out language that would prevent someone who had committed a serious violent offense or a sex offense from being allowed entry into the program. Since we didn't hear the entire the bill read, is that how you have it up there?"

#### REPLY BY THE PRESIDENT

President Owen: "I think that question would be better presented to the chair of the committee."

Senator Kline: "Let me look that one up. That is 5342. Mr. President, members, I stand corrected. That's true. Ok, well, a serious violent offense or sex offense is defined in the statute."

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5342 was deferred and the bill held its place on the third reading calendar.

#### SECOND READING

SENATE BILL NO. 5691, by Senators Zarelli, Prentice and Roach

Defining the near general fund and requiring revenue forecasts thereof.

#### MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

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

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

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Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5718, by Senators Kohl-Welles, Hargrove, Regala, Stevens, Keiser and Rasmussen

Imposing penalties for engaging in the commercial sexual abuse of minors.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5718 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 Substitute Senate Bill No. 5718.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5718, 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. 5773, by Senators Hargrove, Parlette and Keiser

Modifying treatment records provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5773.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SENATE BILL NO. 5773, 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 9:53 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:56 p.m. by President Owen.

The Senate resumed consideration of Substitute Senate Bill No. 5037 which had been deferred earlier in the day..

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Holmquist, the following amendments to Substitute Senate Bill No. 5037 were withdrawn: Amendment by Senator Holmquist on page 2, line 26; amendment by Senator Holmquist on page 2, line 2; amendment by Senator Benton on page 2, line 2; and amendment by Senator Holmquist on page 2, line 2.

#### NOTICE OF RECONSIDERATION

Senator Parlette gave notice of her intent to move to immediately reconsider the vote by which the amendment by Senator Parlette on page 2, line 14. The motion by Senator Parlette carried and the Senate reconsidered the amendment by voice vote.

#### MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 14, after "property" insert ";

(d) An amateur radio station who is also holding a valid amateur radio operator license issued by the federal communications commission"

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 14 to Substitute Senate Bill No. 5037.

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

#### MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Eide be adopted.

On page 2, after line 14, insert the following: "(3) Subsection (1) of this section does not restrict the operation of

an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senators Parlette and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Eide on page 2, line 14 to Substitute Senate Bill No. 5037.

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

#### MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, after line 26, insert the following:

"(6) Infractions that result from the use of a wireless communication device while operating a motor vehicle under this section shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Holmquist and Eide 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 Holmquist on page 2, line 26 to Substitute Senate Bill No. 5037.

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

#### MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Swecker 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. 5037.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Murray, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Clements, Hargrove, Hewitt, Holmquist, Honeyford, McAuliffe, Morton, Oemig, Parlette, Pflug, Pridemore, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Excused: Senators Delvin and Jacobsen - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION  
8629

By Senators Benton, Delvin, Hewitt, Schoesler, Stevens, McCaslin, Swecker and Parlette

WHEREAS, Ninety-six years ago, on February 6, 1911, Ronald Wilson Reagan was born to John and Nelle Reagan in the family's modest apartment above the general store in Tampico, Illinois; and

WHEREAS, John Reagan struggled both before and during the Great Depression in his attempts to provide for his family, until he was appointed director of the Dixon, Illinois office of the Works Progress Administration, a New Deal, back to work program; and

WHEREAS, Ronald Reagan, building upon a successful career in the private sector, acted upon the courage of his convictions and entered the world of politics and public service as Governor of California; and

WHEREAS, Ronald Reagan was extraordinarily successful at communicating his vision to the American people with powerful words such as these: "The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology."; and

WHEREAS, During his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, Ronald Reagan, as all great American presidents, used the power of the Presidency as he deemed best to invigorate our economy, put Americans to work, honor our obligation to those who need help, and inspire all Americans to seek a more perfect Union; and

WHEREAS, Ronald Reagan's leadership, with the support of the American people, helped to end the Cold War, set many nations on a path to freedom and democracy, and promoted greater peace and stability to many regions of the world; and

WHEREAS, President Ronald Reagan provided this nation a great vision for the future and the leadership to advance the cause of democracy and the American dream;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect, that the Washington State Senate remember the work, honor, and excellence of character exemplified by President Ronald Wilson Reagan as we honor his life and Presidency.

Senators Benton and Kohl-Welles spoke in favor of adoption of the resolution.

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

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

## MOTION

At 10:20 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Friday, March 9, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



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