

SIXTY-FIFTH DAY

MORNING SESSION

March 12, 2007

Senate Chamber, Olympia, Tuesday, March 13, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Holmquist, McCaslin, Rasmussen and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Mitchell Hatfield and Nicole Young, presented the Colors. Chief Roy Wilson of Chimacum, spiritual leader of the Cowlitz Indian Tribe, 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 12, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,
 ENGROSSED HOUSE BILL NO. 1898,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
 SUBSTITUTE HOUSE BILL NO. 2327,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1002,
 SECOND SUBSTITUTE HOUSE BILL NO. 1009,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179,
 SUBSTITUTE HOUSE BILL NO. 1407,
 SECOND SUBSTITUTE HOUSE BILL NO. 1506,
 SUBSTITUTE HOUSE BILL NO. 1513,
 HOUSE BILL NO. 1549,
 SUBSTITUTE HOUSE BILL NO. 1583,
 SUBSTITUTE HOUSE BILL NO. 1654,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1892,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2082,
 HOUSE BILL NO. 2152,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
 ENGROSSED HOUSE BILL NO. 1525,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1651,
 HOUSE BILL NO. 1746,
 SUBSTITUTE HOUSE BILL NO. 1761,
 SUBSTITUTE HOUSE BILL NO. 1802,
 SUBSTITUTE HOUSE BILL NO. 1876,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
 SECOND SUBSTITUTE HOUSE BILL NO. 2256,
 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 OF HOUSE BILLS

E2SHB 1035 by House Committee on Appropriations (originally sponsored by Representatives Morris, Hudgins, Eickmeyer, Linville and B. Sullivan)

AN ACT Relating to anaerobic digestion power; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.105 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1211 by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Upthegrove, Wallace, Kagi, McCune, Moeller, Dunn, Linville and Morrell)

AN ACT Relating to providing tax exemptions for solar hot water components; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

2SHB 1280 by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Jarrett, Quall, O'Brien, Strow, Morrell, Roach, Hunt, McDonald, Chase, Simpson, Haler, Moeller, McCune, Schual-Berke, Miloscia and Springer)

AN ACT Relating to the use of the school district capital projects funds for technology; amending RCW 28A.320.330 and 84.52.053; and creating a new section.

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

E2SHB 1303 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, B. Sullivan,

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Jarrett, Linville, Priest, Appleton, Pedersen, Kenney, Sells, Morrell, Lantz, O'Brien, Chase, Eickmeyer, McCoy, Haigh, Rolfes, Hurst, Eddy, Springer, Schual-Berke, Fromhold, Moeller, Hunt, Goodman, Williams, Darneille, Kagi, Lovick, Campbell, Dunshee, Sommers, Simpson, Hunter, Roberts and Miloscia)

AN ACT Relating to providing for the means to encourage the use of cleaner energy thereby providing for healthier communities by reducing emissions; amending RCW 70.94.017, 53.08.040, 43.19.642, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 43.135 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 15.110.005, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 15.110.900, and 15.110.901; and providing expiration dates.

Referred to Committee on Water, Energy & Telecommunications.

E2SHB 1359 by House Committee on Appropriations (originally sponsored by Representatives Miloscia, Chase, Hasegawa, Pettigrew, Springer, Ormsby, Roberts, Darneille, Goodman and Santos)

AN ACT Relating to providing affordable housing for all; amending RCW 43.185B.040, 36.22.178, 43.63A.650, 43.185C.005, 43.185C.040, 43.185C.050, 43.185C.080, 43.185C.160, 36.22.179, and 43.185C.150; reenacting and amending RCW 36.18.010 and 36.18.010; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 36.22.179, 43.20A.790, 43.63A.650, 36.22.178, 43.185B.020, and 43.185B.040; and providing an expiration date.

Referred to Committee on Consumer Protection & Housing.

SHB 1394 by House Committee on Higher Education (originally sponsored by Representatives Williams, Roach, O'Brien, Hurst, Ormsby, Chase and Simpson)

AN ACT Relating to training medical students to work with patients with developmental disabilities; and creating new sections.

Referred to Committee on Higher Education.

2SHB 1401 by House Committee on Capital Budget (originally sponsored by Representatives Pettigrew, Springer, Dunn, McCune, Miloscia, Chase and Santos)

AN ACT Relating to land acquisition for affordable housing development; adding a new section to chapter 43.185A RCW; and creating new sections.

Referred to Committee on Consumer Protection & Housing.

HB 1418 by Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SHB 1492 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Simpson, Campbell, Kirby, VanDeWege, Williams, Chase, Wood and Santos)

AN ACT Relating to arbitration under certain insurance policies; amending RCW 48.22.085; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SHB 1508 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Orcutt, Hunter, Blake, Takko, Condotta and Dunn)

AN ACT Relating to an exemption from the business and occupation tax for the resale of natural or manufactured gas by consumers; and amending RCW 82.04.310.

Referred to Committee on Ways & Means.

E2SHB 1569 by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Linville, Moeller, Green, Seaquist, Conway, Dickerson, Appleton, McIntire, McCoy, Kagi, Pedersen, Kenney, Lantz, Santos, Wood and Ormsby)

AN ACT Relating to reforming the health care system in Washington state; amending RCW 48.43.005, 48.43.015, 48.43.025, 48.43.035, 48.21.047, 48.44.024, 48.46.068, and 48.43.028; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 48.21.045, 48.44.023, 48.46.066, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, and 70.47A.900; and providing effective dates.

Referred to Committee on Health & Long-Term Care.

2SHB 1573 by House Committee on Appropriations (originally sponsored by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby)

AN ACT Relating to dropout prevention, intervention, and retrieval; adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date.

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

SHB 1588 by House Committee on Transportation (originally sponsored by Representatives Upthegrove, Wood, Hudgins, Takko, Moeller and Simpson)

AN ACT Relating to providing mobility education to students in driver training programs; amending RCW 46.82.420; adding new sections to chapter 28A.220 RCW; creating new sections; and providing an expiration date.

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Referred to Committee on Transportation.

2SHB 1656 by House Committee on Appropriations (originally sponsored by Representatives Rolfes, Upthegrove, B. Sullivan, Appleton, Chase, Santos, Dickerson and Sells)

AN ACT Relating to establishing a Puget Sound scientific research account; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 1670 by Representatives Quall and Santos

AN ACT Relating to the role of school counselors in public schools; adding a new section to chapter 28A.410 RCW; and creating a new section.

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

ESHB 1727 by House Committee on Local Government (originally sponsored by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Wamick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan)

AN ACT Relating to growth management planning to ensure sufficient land and densities available to accommodate growth; amending RCW 36.70A.070, 36.70A.090, and 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SHB 1805 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Lantz, Linville, Wallace, Rodne, Conway, Kessler, Hudgins, Hunt, Chase, Hasegawa, VanDeWege, Campbell, Ericks, Green, Simpson and Schual-Berke)

AN ACT Relating to increasing the homestead exemption amount; and amending RCW 6.13.030.

Referred to Committee on Judiciary.

2SHB 1811 by House Committee on Finance (originally sponsored by Representatives Pedersen, Simpson, Wood, Moeller and Quall)

AN ACT Relating to the installation of automatic sprinkler systems in nightclubs; amending RCW 19.27.500, 19.27.510, and 84.36.660; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

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

SHB 1826 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Hinkle, Morrell, Moeller and Ormsby)

AN ACT Relating to medical benefits; amending RCW 74.09A.005, 74.09A.010, and 74.09A.020; adding a new

section to chapter 74.09A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

EHB 1902 by Representatives Grant, Newhouse, Linville, Orcutt, Blake, Hailey, Walsh, P. Sullivan, Kristiansen, Dunn and Hinkle

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1975 by House Committee on Commerce & Labor (originally sponsored by Representatives Springer, Condotta and Wood)

AN ACT Relating to spirits, beer, and wine restaurant licenses; and reenacting and amending RCW 66.24.420 and 66.24.320.

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

E2SHB 1993 by House Committee on Appropriations (originally sponsored by Representatives Barlow, Curtis, Schual-Berke, Kagi, Cody, Hinkle, Green, B. Sullivan, Eddy, Pettigrew, P. Sullivan, Bailey, Schindler, Dickerson, Morrell, Kenney, Simpson and Ormsby)

AN ACT Relating to credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.070, 18.225.090, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

HB 1994 by Representatives Curtis, Ericks, Roberts and Quall

AN ACT Relating to overpayments received by courts; and amending RCW 63.29.130.

Referred to Committee on Judiciary.

HB 2004 by Representatives Rolfes, Armstrong, Eddy, Appleton, Clibborn and Jarrett

AN ACT Relating to providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

HB 2009 by Representatives Haigh, Hunt, Ericks, Conway, Hasegawa and Ormsby

AN ACT Relating to trench excavations on public works projects; and amending RCW 39.04.180.

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

ESHB 2016 by House Committee on Judiciary (originally sponsored by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, VanDeWege, Goodman, Simpson, Linville and Ormsby)

AN ACT Relating to eminent domain; amending RCW 8.25.010, 8.25.020, 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115, 43.82.010, 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040, 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new sections to chapter 8.25 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; adding a new section to chapter 8.20 RCW; adding a new section to chapter 35.81 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2017 by Representatives Ericks, Lovick, O'Brien and Dunshee

AN ACT Relating to designating state route number 527 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 2031 by Representatives Eddy and Simpson

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Government Operations & Elections.

HB 2031 by Representatives Eddy and Simpson

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Government Operations & Elections.

SHB 2031 by House Committee on Local Government (originally sponsored by Representatives Eddy and Simpson)

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Government Operations & Elections.

SHB 2031 by House Committee on Local Government (originally sponsored by Representatives Eddy and Simpson)

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Government Operations & Elections.

HB 2048 by Representatives O'Brien, Chandler, Wood, Williams, Moeller, Conway and Condotta

AN ACT Relating to vehicle dealer transfer of title requirements; and amending RCW 46.70.122.

Referred to Committee on Transportation.

SHB 2115 by House Committee on Capital Budget (originally sponsored by Representatives Newhouse, Lantz, B. Sullivan, Hailey, Grant, VanDeWege, Warnick, Kelley, Pedersen, Appleton, Quall, Seaquist, Hunt, Simpson, McDermott and Ormsby)

AN ACT Relating to establishing the Washington state heritage barn preservation program; amending RCW 27.34.020; adding new sections to chapter 27.34 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

HB 2135 by Representatives Wood, Condotta and Ormsby

AN ACT Relating to expanding lemon law coverage to out-of-state consumers; and amending RCW 19.118.021 and 19.118.110.

Referred to Committee on Consumer Protection & Housing.

HB 2136 by Representatives Fromhold, Sommers, Kenney, Moeller and Ormsby

AN ACT Relating to the improving core subject instruction for all students pilot program; adding a new section to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

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

SHB 2209 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Morrell, Curtis, Green, Moeller and Ormsby)

AN ACT Relating to allowing advanced registered nurse practitioners to examine and obtain copies of autopsy reports and records; and amending RCW 68.50.105.

Referred to Committee on Health & Long-Term Care.

2SHB 2220 by House Committee on Appropriations (originally sponsored by Representative Lantz)

AN ACT Relating to shellfish; amending RCW 79.135.100; adding new sections to chapter 28B.20 RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2230 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Ericks, Bailey, Schual-Berke, Williams, Kagi, Moeller, Lantz,

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Hasegawa, Green, Morrell, Linville, Blake, Upthegrove, Hunt, O'Brien, Roach, Goodman, Simpson, Ormsby and Santos)

AN ACT Relating to early intervention services for children who are three years old; and creating a new section.

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

HB 2236 by Representatives Goodman and Lantz

AN ACT Relating to the disposition of certain assets; amending RCW 11.02.005, 11.07.010, 11.12.260, 11.24.010, and 11.96A.150; adding a new chapter to Title 11 RCW; and repealing RCW 11.05.010, 11.05.020, 11.05.030, 11.05.040, 11.05.050, 11.05.900, and 11.05.910.

Referred to Committee on Judiciary.

SHB 2275 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, B. Sullivan, Kenney, Chase and Hunt)

AN ACT Relating to raising funds for state parks; amending RCW 79A.05.215; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 2292 by House Committee on Local Government (originally sponsored by Representatives Simpson and Ormsby)

AN ACT Relating to private residential fire sprinklers; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 2300 by House Committee on Higher Education (originally sponsored by Representatives Hasegawa, Jarrett, Wallace, B. Sullivan, Kenney, Hunter, Goodman, Dunshee, Chase, Ormsby, Kelley, Simpson and Blake)

AN ACT Relating to college textbooks; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SHB 2304 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Quall, McDonald, Bailey, Grant, Walsh, Haler, McCune, Seaquist, McDermott, Kenney, Cody, Darneille, Dunn, Schual-Berke, Kessler, Conway, Springer, Hudgins, Green, Blake, Rodne, Goodman, Campbell, VanDeWege, Williams, Hunter, Takko and Moeller)

AN ACT Relating to criteria for the issuance of a certificate of need for certain cardiac care services; adding a new section to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2317 by House Committee on Higher Education (originally sponsored by Representatives Wallace, Anderson, Sells and Kenney)

AN ACT Relating to defining high demand; and creating a new section.

Referred to Committee on Higher Education.

SHB 2335 by House Committee on Finance (originally sponsored by Representatives Priest and Miloscia)

AN ACT Relating to exempting certain amateur radio repeaters from leasehold excise taxes; and adding a new section to chapter 82.29A RCW.

Referred to Committee on Ways & Means.

ESHB 2358 by House Committee on Transportation (originally sponsored by Representatives Rolfes, Strow, Appleton, Seaquist, VanDeWege, Lantz, Flannigan, Roberts, Cody, Green, Eickmeyer, Jarrett and Kessler)

AN ACT Relating to state ferries; amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating new sections; repealing RCW 47.60.150 and 47.60.326; and providing expiration dates.

Referred to Committee on Transportation.

EHB 2373 by Representatives McCune, Ahern, Kretz, Pearson, Roach and Kenney

AN ACT Relating to enhancing school bus driver safety; amending RCW 46.52.130; and declaring an emergency.

Referred to Committee on Transportation.

HJM 4001 by Representatives Pearson, Lovick, Kristiansen, Jarrett and Ericks

Naming the 172nd Street overpass of Interstate 5 the "Oliver "Punks" Smith Interchange."

Referred to Committee on Transportation.

HCR 4404 by Representatives Kenney, Anderson, Wallace, Sells, Jarrett, Ormsby, Linville and Conway

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

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1211 which was referred to the Committee on Water, Energy & Telecommunications.

MOTION

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

SECOND READING

SENATE BILL NO. 5320, by Senators Franklin, McCaslin, Kline, Stevens, Prentice, Parlette, Regala, Hargrove, Rasmussen, Murray, Jacobsen, Hewitt, Keiser and Roach

Creating an office of public guardianship as an independent

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agency of the judiciary.

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MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5320 was substituted for Senate Bill No. 5320 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. 5320 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.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist, McCaslin, Pflug and Swecker were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5320.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Rasmussen - 1

Excused: Senators Benton, Holmquist, McCaslin and Swecker - 4

SUBSTITUTE SENATE BILL NO. 5320, 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. 5688, by Senators Kohl-Welles, Keiser and Kline

Modifying who may receive industrial insurance claimants' notices, orders, or warrants.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 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. 5688 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. 5688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5688, 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. 5806, by Senators Schoesler, Shin, Berkey, Delvin, Murray and Kohl-Welles

Implementing Washington learns higher education recommendations. Revised for 2nd Substitute: Regarding tuition limits and billing disclosures.

MOTIONS

On motion of Senator Schoesler, Second Substitute Senate Bill No. 5806 was substituted for Senate Bill No. 5806 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Second Substitute Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Shin 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. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, 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 McCaslin - 1

SECOND SUBSTITUTE SENATE BILL NO. 5806, 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. 5511, by Senators Sheldon, Kastama, Clements, Rasmussen and Shin

Requiring state agencies to allow volunteer fire fighters to respond when called to duty. Revised for 1st Substitute: Requiring state agencies to allow volunteer firefighters to respond when called to duty.

MOTIONS

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On motion of Senator Sheldon, Substitute Senate Bill No. 5511 was substituted for Senate Bill No. 5511 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Morton - 1

Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5511, 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. 6128, by Senators Keiser and Kohl-Welles

Requiring the naming of the person or persons authorized to make expenditures on behalf of a candidate or committee.

The measure was read the second time.

MOTION

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

On page 12, beginning on line 33, after "and" strike "relationship to the candidate or committee" and insert "title"

On page 13, after line 13, insert the following:

"NEW SECTION. Sec. 4. This act takes effect January 1, 2008."

Senator Fairley 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 Fairley and Keiser on page 12, line 33 to Senate Bill No. 6128.

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

MOTION

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

On page 1, line 2 of the title, after "committee;" strike "and" and on line 3, after "42.17.070" insert "; and providing an effective date"

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 6128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

Senator Roach spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6128 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist, Honeyford, Schoesler and Swecker - 4

Excused: Senator McCaslin - 1

ENGROSSED SENATE BILL NO. 6128, 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, 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

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 13, 2007."

The President 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 13, 2007.

SECOND READING

SENATE BILL NO. 5227, by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer

Increasing the penalty for animal abandonment.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom 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 Substitute Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Swecker - 1

Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5227, 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. 5403, by Senators Rasmussen, Brandland and Jacobsen

Certifying animal massage practitioners.

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, at the beginning of line 5, strike "Diagnosis, prescription, or prognosis of conditions;" and insert "Diagnosis, prognosis, or all treatment of diseases, deformities, defects, wounds, or injuries of animals;"

On page 2, line 9, after "medicine." insert "Animal massage may be performed solely for purposes of patient well-being."

Senator Rasmussen 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 Rasmussen, Brandland and Jacobsen on page 2, line 5 to Substitute Senate Bill No. 5403.

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

MOTION

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

On page 7, beginning on line 22, strike all of section 12

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

Senator Rasmussen 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 Rasmussen and Brandland on page 7, line 22 to Substitute Senate Bill No. 5403.

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 Substitute Senate Bill No. 5403 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 declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, 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 McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5403, 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. 5447, by Senators Hatfield, Jacobsen, Honeyford, Hargrove, Poulsen, Benton and Rasmussen

Instituting a Dungeness crab-coastal fishery buyback program. Revised for 1st Substitute: Regarding the coastal Dungeness crab fishery.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5447 was substituted for Senate Bill No. 5447 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5447.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5447 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, 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, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brandland - 1

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Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5447, 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. 5526, by Senators Hargrove, Regala, Prentice and Shin

Modifying the definition of criminal act.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the 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 Senate Bill No. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5526 and the passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, 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 McCaslin - 1

SENATE BILL NO. 5526, 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. 6090, by Senators Delvin, Zarelli and McCaslin

Regarding persons who perform crowd management or guest services.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6090 and the bill passed the Senate by the following

vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, 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 McCaslin - 1

SENATE BILL NO. 6090, 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 10:40 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 11:48 a.m. by President Owen.

PERSONAL PRIVILEGE

Senator Rasmussen: "Today I have a very good friend of mine that came down to visit the legislature and I would like to have the rest of my colleagues have a chance to meet and visit with him, but he's a person that has saved so many lives, has made such a difference for every one in this whole world. I'm just very, very honored that he is here with his wife and I think, with that I'm going to let you, Mr. President introduce our, my guest if that is okay."

REMARKS BY THE PRESIDENT

President Owen: "Thank you Senator. The President has a great, great privilege of being able to introduce this gentleman whom he has known of for many years. Mr. Lou Whittaker actually climbed all the major peaks of Washington State by the time he was eighteen and began guiding climbs on the fourteen thousand four-hundred and ten foot Mt. Rainier at the age of nineteen. Today his name is a legend. He's conducted thousands of or, directed, thousands of people to the summit of that great mountain, in every type of weather condition you can think of. He's climbed mountains all over the world. He is the premier mountain climber and we are very, very proud to have him as a Washington State resident to have him with us today. So please help me give a warm welcome to Lou Whittaker and his wife, Ingrid."

MOTION

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

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8657

By Senators Parlette, Berkey, Swecker, Clements, Morton, Delvin, Shin, Rasmussen, Brown, Kastama, Keiser, Honeyford, McCaslin, Carrell, Pflug, Regala, Hatfield, Fraser and Spanel

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the State and its people; and

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WHEREAS, The City of Wenatchee is preparing to celebrate the 88th annual Washington State Apple Blossom Festival to take place from April 26 through May 6, 2007; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Courtney Roberts has been selected to represent her community as a 2007 Apple Blossom Princess, in part for her fun, outgoing nature, positive attitude and strong faith, as well as her involvement in extracurricular activities including varsity cheerleading, Vice-President of Key Club, member of National Honor Society, natural helpers, and jazz choir; and

WHEREAS, Mikel Stanaway has been selected to represent her community as a 2007 Apple Blossom Princess, in part for her participation in numerous extracurricular activities including ASB secretary, school senator, student ambassador to Japan, and participation in the running start program; through which her calm demeanor and ability to serve humbly make her an asset to any team; and

WHEREAS, Laura DeCamp has been selected to represent her community as the 2007 Apple Blossom Queen, in part for her participation in extracurricular activities including being captain of the varsity cheer squad, leader of a mini cheer camp, member of spirit club, and teens against tobacco use, and member of varsity soccer and tennis teams, and her participation in school activities as an academic challenge participant; in addition to her strong sense of self, positive attitude, and passion for helping and encouraging others; and

WHEREAS, These three young women all desire to utilize their unique leadership capabilities to humbly serve their communities and be a blessing to those they meet;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Laura DeCamp, Princess Mikel Stanaway, Princess Courtney Roberts, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Apple Blossom Festival Court, Queen Laura DeCamp; Princess Mikel Stanaway and Princess Courtney Roberts who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Apple Blossom Queen Laura DeCamp to address the Senate.

REMARKS BY MISS LAURA DECAMP

Queen Laura DeCamp: "Well, good afternoon everybody. Gee, it kind of chilly in here. Hey, everyone up there. Hey. Well,

good afternoon, my name is Laura DeCamp and I'm the Washington State Apple Blossom Queen. This is Princess Courtney Roberts and this is Princess Mikel Stanaway and we are so honored to be here today amongst you elected officials and actually we had the opportunity to meet some of you during the Lincoln Day Dinner held in Wenatchee a few weeks ago. Now, I'm not sure if you know this but to be a Apple Blossom Royalty member you to be a senior and it just so turns out that each of us girls are eighteen and with that comes the opportunity to vote. Now, I must be honest, I didn't know very much about politics when I first started high school so my senior year I signed up for a class called Citizen Washington. What that does is it introduces you to the basic foundation of politics and it also explains the duties that the majority of you in here take on and I must say, the things that you guys have to do are incredibly hard and I applaud you for your strength and representing your communities. Like I said, we're here to represent Wenatchee and the wonderful Apple Blossom Festival and so I extend a warm invitation to all of you and your families to enjoy this great festival. I must say, once you start coming you won't be able to stop because it's a festival unlike any other. Filled with a contagious amount of lasting smiles and, plus, you'll get to see us again and wouldn't that be great? The festival this year will be held from April 26 to May 6 and I hope to see all of you there. Some activities to look forward to are, for all you car buffs out there, on Friday night there's a classy chasse parade and when can all oooo and ahhhh at all the old fashion cars that we wish we could own. Then on Saturday is the grand parade and we can see floats and teams and organizations from all over the state participate. We can also have lunch down at the food fair and a lot of the food down there is made by citizens of Wenatchee. That's really cool. We're proud of that. Then you can end the night by going down, with your children or by yourselves, to the carnival. It's one of my favorites. Wenatchee is a wonderful place to visit and the Apple Blossom Festival is even more incentive to come and I give you my word that if you come to Wenatchee your stay will be forever remembered. Thank you and have a great day."

MOTION

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

SECOND READING

SENATE BILL NO. 5726, by Senators Weinstein, Kline and Franklin

Creating the insurance fair conduct act.

MOTION

On motion of Senator Weinstein, Substitute Senate Bill No. 5726 was substituted for Senate Bill No. 5726 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. This act may be known and cited as the insurance fair conduct act.

Sec. 2. RCW 48.30.010 and 1997 c 409 s 107 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and

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prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period.

(3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule.

(b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6).

(c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record.

(4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

(6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

(7) An insurer engaged in the business of insurance may not unreasonably deny or delay a claim for coverage or payment of benefits to any first party claimant. "First party claimant" has the same meaning as in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 48.30 RCW to read as follows:

(1) Any first party claimant to a policy of insurance who is unreasonably denied or delayed a claim for coverage or payment of benefits by an insurer may bring an action in the superior court of this state to recover the actual damages sustained, together with the costs of the action, including reasonable attorneys' fees and litigation costs, as set forth in subsection (3) of this section.

(2) The superior court may, after finding that an insurer has acted unreasonably in denying or delaying a claim for coverage or payment of benefits or has violated rules under the Washington Administrative Code adopted by the commissioner under RCW 48.30.010(2), increase the total award of damages to an amount not to exceed three times the actual damages.

(3) The superior court shall, after a finding of unreasonable denial or delay of a claim for coverage or payment of benefits, or after a finding of a violation of rules under the Washington Administrative Code adopted by the commissioner under RCW 48.30.010(2), award reasonable attorneys' fees and actual and statutory litigation costs, including expert witness fees, to the first party claimant of an insurance contract who is the prevailing party in such an action.

(4) The remedies set forth in this chapter are separate from the remedies prescribed by RCW 19.86.090 of the consumer protection act.

(5) "First party claimant" means an individual, corporation, association, partnership, or other legal entity asserting a right to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such a policy or contract."

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

MOTION

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

On page 2, line 21 of the amendment, after "deny" strike "or delay"

On page 2, line 27 of the amendment, after "denied" strike "or delayed"

On page 2, line 33 of the amendment, after "denying" strike "or delaying"

On page 3, line 2 of the amendment, after "denial" strike "or delay"

On page 3, line 12 of the amendment, after "payment" insert "as a covered person"

Senators Berkey, Weinstein and Brandland 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 Berkey and Weinstein on page 2, line 21 to the striking amendment to Substitute Senate Bill No. 5726.

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

MOTION

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

On page 2, beginning on line 32 of the amendment, strike all of subsection (2)

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

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

Senator Schoesler demanded a roll call.

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

Senators Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senators Weinstein, Rockefeller and Kline spoke against the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5726.

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, 17; Nays, 29; Absent, 2; Excused, 1.

Voting yea: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

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Absent: Senators Benton and Stevens - 2

Excused: Senator McCaslin - 1

MOTION

MOTION

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

On page 2, beginning on line 34 of the amendment, after "benefits" strike all material through "48.30.010(2)" on line 35

On page 3, line 1 of the amendment, after "court" strike "shall" and insert "may"

On page 3, beginning on line 2 of the amendment, after "benefits" strike all material through "48.30.010(2)" on line 4

On page 3, line 5 of the amendment, after "fees and" insert "reasonable"

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

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

MOTION

On motion of Senator Hewitt, Senators Benton and Stevens were excused.

Senator Schoesler demanded a roll call.

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

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 2, line 34 to the striking amendment to Substitute Senate Bill No. 5726.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Brandland to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, Marr, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Swecker and Zarelli - 21

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Excused: Senators McCaslin and Stevens - 2

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. 5726.

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 "act;" strike the remainder of the title and insert "amending RCW 48.30.010; adding a new section to chapter 48.30 RCW; creating a new section; and prescribing penalties."

On motion of Senator Weinstein, the rules were suspended, Engrossed Substitute Senate Bill No. 5726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

Senators Honeyford 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. 5726.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5726 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

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

Voting nay: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 17

Excused: Senators McCaslin and Stevens - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5726, 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 12:52 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 12, 2007

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1595,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

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SECOND READING

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SENATE BILL NO. 5566, by Senators Franklin and Kohl-Welles

Providing for privacy protection for certain voter registration information.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5566 was substituted for Senate Bill No. 5566 and the substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5566 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.

MOTION

On motion of Senator Hewitt, Senator Brandland was excused.

MOTION

On motion of Senator Roach, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens and Weinstein - 43

Absent: Senators Delvin, Swecker, Tom and Zarelli - 4

Excused: Senators Benton and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5566, 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. 6075, by Senator Haugen

Increasing competitive bid limits for the purchase of materials, equipment, or supplies.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6075 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.

MOTION

On motion of Senator Brandland, Senators Delvin, Parlette and Swecker were excused.

MOTION

On motion of Senator Regala, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6075 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators 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, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, McCaslin and Parlette - 3

SENATE BILL NO. 6075, 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. 5339, by Senators Kilmer, Kastama, Rockefeller and Rasmussen

Authorizing the acquisition and operation of tourism-related facilities by port districts.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5339 was substituted for Senate Bill No. 5339 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5339 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5552, by Senators Rockefeller, Spanel, Regala, Kohl-Welles, Kline and Oemig

Changing compensation and penalties for oil spills.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 5552 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.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5552.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, 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 - 40

Voting nay: Senators Brandland, Clements, Delvin, Holmquist, Honeyford, Morton, Schoesler and Stevens - 8

Excused: Senator McCaslin - 1

SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5339 which had been deferred earlier in the day.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Kilmer and Kastama be adopted.

On page 1, beginning on line 13, after "other" strike "municipality, or person, or any combination thereof" and insert "port district"

Senator Zarelli 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 Zarelli, Kilmer and Kastama on page 1, line 13 to Substitute Senate Bill No. 5339.

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

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 5339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

Senator Honeyford 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. 5339.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5339 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist and Honeyford - 2

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, 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. 5467, by Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach

Creating the individual and family services program for people with developmental disabilities.

MOTION

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

MOTION

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

On page 2, strike lines 19-32.

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli 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 Senator Zarelli on page 2, line 19 to Second Substitute Senate Bill No. 5467.

The motion by Senator Zarelli 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. 5467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Brown, Delvin and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Hargrove and Kline were excused.

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

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Hargrove, Kline and McCaslin - 3

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SECOND SUBSTITUTE SENATE BILL NO. 5467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6081, by Senators Parlette, Poulsen, Honeyford and Rasmussen

Regarding outdoor burning in small cities.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette 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. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6081 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, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, 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 Hargrove and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6081, 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. 5292, by Senators Fairley, Roach, Kohl-Welles, Keiser and Parlette

Requiring the licensing of physical therapist assistants.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5292 was substituted for Senate Bill No. 5292 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.74.010 and 2005 c 501 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of health.

(3) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist licensed by the state. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation, or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(4) "Physical therapist" means a person who meets all the requirements of this chapter and is licensed in this state to practice physical therapy.

(5) "Secretary" means the secretary of health.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners; PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

(8) "Practice of physical therapy" is based on movement science and means:

(a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint mobilization and manipulation; therapeutic massage; assistive, adaptive, protective, and devices related to postural control and mobility except as restricted by (c) of this subsection; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction;

(c) Training for, and the evaluation of, the function of a patient wearing an orthosis or prosthesis as defined in RCW 18.200.010. Physical therapists may provide those direct-formed and prefabricated upper limb, knee, and ankle-foot orthoses, but not fracture orthoses except those for hand, wrist, ankle, and foot fractures, and assistive technology devices specified in RCW 18.200.010 as exemptions from the defined scope of licensed orthotic and prosthetic services. It is the intent of the legislature that the unregulated devices specified in RCW 18.200.010 are in the public domain to the extent that they may be provided in common with individuals or other health providers, whether unregulated or regulated under Title 18 RCW, without regard to any scope of practice;

(d) Performing wound care services that ~~((is -are))~~ are limited to sharp debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, hydrotherapy, electrical stimulation, ultrasound, and other similar treatments. Physical therapists may not delegate sharp debridement. A physical therapist may perform wound care services only by referral from or after consultation with an authorized health care practitioner;

(e) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

(f) Engaging in administration, consultation, education, and research.

(9)(a) "Physical therapist assistant" means a person who ~~((has successfully completed a board-approved physical therapist assistant program))~~ meets all the requirements of this chapter and is licensed as a physical therapist assistant and who performs physical therapy procedures and related tasks that have been selected and delegated only by the supervising physical

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therapist. However, a physical therapist may not delegate sharp debridement to a physical therapist assistant.

(b) "Physical therapy aide" means a person who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.

(c) "Other assistive personnel" means other trained or educated health care personnel, not defined in (a) or (b) of this subsection, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist, including but not limited to licensed massage practitioners, athletic trainers, and exercise physiologists. At the direction of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, other assistive personnel may be identified by the title specific to their training or education.

(10) "Direct supervision" means the supervising physical therapist must (a) be continuously on-site and present in the department or facility where assistive personnel or holders of interim permits are performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

(11) "Indirect supervision" means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires and consistent with the particular delegated health care task.

(12) "Sharp debridement" means the removal of devitalized tissue from a wound with scissors, scalpel, and tweezers without anesthesia. "Sharp debridement" does not mean surgical debridement. A physical therapist may perform sharp debridement, to include the use of a scalpel, only upon showing evidence of adequate education and training as established by rule. Until the rules are established, but no later than July 1, 2006, physical therapists licensed under this chapter who perform sharp debridement as of July 24, 2005, shall submit to the secretary an affidavit that includes evidence of adequate education and training in sharp debridement, including the use of a scalpel.

Sec. 2. RCW 18.74.020 and 1991 c 3 s 174 are each amended to read as follows:

The state board of physical therapy is hereby created. The board shall consist of ~~(five)~~ six members who shall be appointed by the governor. Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four members of the board shall be physical therapists licensed under this chapter and residing in this state, shall have not less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. One member shall be a physical therapist assistant licensed under this chapter and residing in this state, shall not have less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. The ~~(fifth)~~ sixth member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee of any health facility nor derive his or her primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the board for any reason cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedure stated ~~(above)~~ in this section to fill the remainder of the term. No member may serve for more than two successive four-year terms.

The secretary of health shall furnish such secretarial, clerical, and other assistance as the board may require. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060, be compensated in accordance with RCW 43.03.240.

Sec. 3. RCW 18.74.030 and 1983 c 116 s 6 are each amended to read as follows:

(1) An applicant for a license as a physical therapist shall have the following minimum qualifications:

~~((1))~~ (a) Be of good moral character; and

~~((2))~~ (b) Have obtained either ~~((a))~~ (i) a baccalaureate degree in physical therapy from an institution of higher learning approved by the board or ~~((b))~~ (ii) a baccalaureate degree from an institution of higher learning and a certificate or advanced degree from a school of physical therapy approved by the board.

(2) An applicant for a license as a physical therapist assistant must have the following minimum qualifications:

(a) Be of good moral character; and

(b) Have successfully completed a board-approved physical therapist assistant program.

(3) The applicant shall present proof of qualification to the board in the manner and on the forms prescribed by ~~((t))~~ the board.

Sec. 4. RCW 18.74.035 and 1995 c 198 s 10 are each amended to read as follows:

(1) All qualified applicants for a license as a physical therapist shall be examined by the board at such time and place as the board may determine. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this chapter, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this chapter; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy, but not including the adjustment or manipulation of the spine or use of a thrusting force as mobilization. Examinations shall be held within the state at least once a year, at such time and place as the board shall determine. An applicant who fails an examination may apply for reexamination upon payment of a reexamination fee determined by the secretary.

(2) All qualified applicants for a license as a physical therapist assistant must be examined by the board at such a time and place as the board may determine. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

Sec. 5. RCW 18.74.040 and 1991 c 3 s 177 are each amended to read as follows:

(1) The secretary ~~(of health)~~ shall license as a physical therapist, and shall furnish a license to, each applicant who successfully passes the examination for licensure as a physical therapist.

(2) The secretary shall license as a physical therapist assistant, and shall furnish a license to, each applicant who successfully passes the examination for licensure as a physical therapist assistant.

Sec. 6. RCW 18.74.060 and 1996 c 191 s 60 are each amended to read as follows:

Upon the recommendation of the board, the secretary shall license as a physical therapist or physical therapist assistant and shall furnish a license to any person who is a physical therapist or physical therapist assistant registered, certified, or licensed under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration, certification, or license required of the applicant were substantially equal to the requirements under this chapter. At the time of making application, the applicant shall comply with administrative procedures, administrative requirements, and fees established pursuant to RCW 43.70.250 and 43.70.280.

NEW SECTION. Sec. 7. A new section is added to chapter 18.74 RCW to read as follows:

The board shall waive the examination and grant a license to a person who meets the commonly accepted standards for practicing as a physical therapist assistant, as adopted by rule. Persons eligible for licensure as a physical therapist assistant under this section must apply for a license within one year of the effective date of this section.

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Sec. 8. RCW 18.74.070 and 1996 c 191 s 61 are each amended to read as follows:

Every licensed physical therapist and physical therapist assistant shall apply to the secretary for a renewal of the license and pay to the state treasurer a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

Sec. 9. RCW 18.74.073 and 1998 c 143 s 1 are each amended to read as follows:

Any physical therapist or physical therapist assistant licensed under this chapter not practicing physical therapy or providing services may place his or her license in an inactive status. The board shall prescribe requirements for maintaining an inactive status and converting from an inactive or active status. The secretary may establish fees for alterations in license status.

Sec. 10. RCW 18.74.090 and 1991 c 3 s 181 are each amended to read as follows:

(1) A person who is not licensed with the secretary of health as a physical therapist under the requirements of this chapter shall not represent him or herself as being so licensed and shall not use in connection with his or her name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he or she is a physical therapist. No person may practice physical therapy without first having a valid license. Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his or her county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

(2) No person assisting in the practice of physical therapy may use the title "physical therapist assistant," the letters "PTA," or any other words, abbreviations, or insignia in connection with his or her name to indicate or imply, directly or indirectly, that he or she is a physical therapist assistant without being licensed in accordance with this chapter as a physical therapist assistant.

Sec. 11. RCW 18.74.120 and 1991 c 3 s 183 are each amended to read as follows:

The secretary of health shall keep a record of proceedings under this chapter and a register of all persons licensed under it. The register shall show the name of every living licensed physical therapist and physical therapist assistant, his or her last known place of residence, and the date and number of his or her license as a physical therapist or physical therapist assistant.

Sec. 12. RCW 18.74.130 and 1983 c 116 s 22 are each amended to read as follows:

This chapter does not prohibit or regulate:

(1) The practice of physical therapy by students enrolled in approved schools as may be incidental to their course of study so long as such activities do not go beyond the scope of practice defined by this chapter.

(2) Auxiliary services provided by physical therapy aides carrying out duties necessary for the support of physical therapy including those duties which involve minor physical therapy services when performed under the direct supervision of licensed physical therapists so long as such activities do not go beyond the scope of practice defined by this chapter.

(3) The practice of physical therapy by licensed or registered physical therapists of other states or countries while appearing as clinicians of bona fide educational seminars sponsored by physical therapy, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter.

(4) The practice of physical therapists and physical therapist assistants in the armed services or employed by any other branch of the federal government.

Sec. 13. RCW 18.74.150 and 2005 c 501 s 4 are each amended to read as follows:

(1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist or physical

therapist assistant, unless he or she is licensed in accordance with this chapter.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists, physical therapist assistants, or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty days in a calendar year.

(4) The following persons are exempt from licensure as physical therapist assistants under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist assistant in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapist assistant education while under direct supervision of a licensed physical therapist;

(b) A physical therapist assistant while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated physical therapist assistant credentialed in another country, or a physical therapist assistant who is teaching or participating in an educational seminar of no more than sixty days in a calendar year.

Sec. 14. RCW 18.74.160 and 2005 c 501 s 5 are each amended to read as follows:

(1) A physical therapist licensed under this chapter is fully authorized to practice physical therapy as defined in this chapter.

(2) A physical therapist shall refer persons under his or her care to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice under this chapter or when physical therapy is contraindicated.

(3) Physical therapists and physical therapist assistants shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule.

(4) A physical therapist may perform electroneuromyographic examinations for the purpose of testing neuromuscular function only by referral from an authorized health care practitioner identified in RCW 18.74.010(7) and only upon demonstration of further education and training in electroneuromyographic examinations as established by rule. Within two years after July 1, 2005, the secretary shall waive the requirement for further education and training for those physical therapists licensed under this chapter who perform electroneuromyographic examinations.

(5) A physical therapist licensed under this chapter may purchase, store, and administer medications such as hydrocortisone, fluocinonide, topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate, zinc oxide, and other similar medications, and may administer such other drugs or medications as prescribed by an authorized health care practitioner for the practice of physical therapy. A pharmacist

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who dispenses such drugs to a licensed physical therapist is not liable for any adverse reactions caused by any method of use by the physical therapist.

Sec. 15. RCW 18.74.170 and 2005 c 501 s 6 are each amended to read as follows:

(1) Physical therapists are responsible for patient care given by assistive personnel under their supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks, or procedures that fall within the scope of physical therapy practice but do not exceed the education or training of the assistive personnel.

(2) Nothing in this chapter may be construed to prohibit other licensed health care providers from using the services of physical therapist assistants, as long as the title "physical therapist assistant" is not used in violation of RCW 18.74.090, physical therapist aides, or other assistive personnel as long as the licensed health care provider is responsible for the activities of such assistants, aides, and other personnel and provides appropriate supervision.

NEW SECTION. Sec. 16. A new section is added to chapter 18.74 RCW to read as follows:

A physical therapist is professionally and legally responsible for patient care given by assistive personnel under his or her supervision. If a physical therapist fails to adequately supervise patient care given by assistive personnel, the board may take disciplinary action against the physical therapist.

(1) Regardless of the setting in which physical therapy services are provided, only the licensed physical therapist may perform the following responsibilities:

(a) Interpretation of referrals;

(b) Initial examination, problem identification, and diagnosis for physical therapy;

(c) Development or modification of a plan of care that is based on the initial examination and includes the goals for physical therapy intervention;

(d) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be delegated;

(e) Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;

(f) Delegation and instruction of the services to be rendered by the physical therapist, physical therapist assistant, or physical therapy aide including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures;

(g) Timely review of documentation, reexamination of the patient, and revision of the plan of care when indicated;

(h) Establishment of a discharge plan.

(2) Supervision requires that the patient reevaluation is performed:

(a) Every fifth visit, or if treatment is performed more than five times per week, reevaluation must be performed at least once a week;

(b) When there is any change in the patient's condition not consistent with planned progress or treatment goals.

(3) Supervision of assistive personnel means:

(a) Physical therapist assistants may function under direct or indirect supervision;

(b) Physical therapy aides must function under direct supervision;

(c) The physical therapist may supervise a total of two assistive personnel at any one time.

NEW SECTION. Sec. 17. A new section is added to chapter 18.74 RCW to read as follows:

Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as a physical therapist assistant under this chapter.

Sec. 18. RCW 48.43.045 and 2006 c 25 s 7 are each amended to read as follows:

(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

((+)) (a) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

((+)) (i) The provision of such health services or care is within the health care providers' permitted scope of practice; and
((+)) (ii) The providers agree to abide by standards related to:

((+)) (A) Provision, utilization review, and cost containment of health services;

((+)) (B) Management and administrative procedures; and

((+)) (C) Provision of cost-effective and clinically efficacious health services.

((2)) (b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.

(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

NEW SECTION. Sec. 19. (1) Sections 1 and 3 through 18 of this act take effect July 1, 2008.

(2) Section 2 of this act takes effect December 1, 2008."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley and Keiser to Substitute Senate Bill No. 5292.

The motion by Senator Fairley 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 "assistants;" strike the remainder of the title and insert "amending RCW 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060, 18.74.070, 18.74.073, 18.74.090, 18.74.120, 18.74.130, 18.74.150, 18.74.160, 18.74.170, and 48.43.045; adding new sections to chapter 18.74 RCW; and providing effective dates."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley 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. 5292.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

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Voting nay: Senators Holmquist, Honeyford and Stevens - 3

Excused: Senators Hargrove and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5292, 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. 5224, by Senators Jacobsen, Rockefeller and Kilmer

Concerning the statewide salmon recovery office. Revised for 1st Substitute: Concerning the governor's salmon recovery office.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5224 was substituted for Senate Bill No. 5224 and the substitute bill was placed on the second reading and read the second time.

Senator Jacobsen spoke in favor of the substitute bill.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5224 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

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

Voting nay: Senators Holmquist and Stevens - 2

Excused: Senators Hargrove, McCaslin and Shin - 3

SUBSTITUTE SENATE BILL NO. 5224, 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. 5879, by Senators Fairley, Roach, Benton, Kohl-Welles, Murray, Swecker, Kline, Keiser, Schoesler, Fraser, Jacobsen and Rockefeller

Authorizing payroll deductions for retiree organization dues.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5879 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Fairley 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. 5879.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5879 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Shin - 2

SENATE BILL NO. 5879, 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. 5312, by Senators Tom, Holmquist, Kline, Roach, Kilmer, Marr, Sheldon, Morton, Pridemore, McCaslin, Berkey, Delvin, Shin, Rasmussen, Parlette and Stevens

Addressing the issue of stolen metal property.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

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

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the

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property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys, and unwanted electronic product, as that term is defined under RCW 70.95N.020. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

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The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS. (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT. (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full,

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true, and correct transcript of the records from the purchase or receipt of nonferrous metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT. (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS. It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

NEW SECTION. Sec. 8. CIVIL PENALTIES. (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

NEW SECTION. Sec. 9. EXEMPTIONS. The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 11. RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

NEW SECTION. Sec. 12. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 13. 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 Tom spoke in favor of adoption of the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holmquist, the amendment by Senator Holmquist on page 8, line 31 to the striking amendment to Substitute Senate Bill No. 5312 was withdrawn.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, Delvin and Sheldon to the striking amendment be adopted.

On page 8, after line 11 of the amendment, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for theft in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim greatly exceeds the value of the stolen

property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

NEW SECTION, Sec. 12. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for possessing stolen property in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

Sec. 13. RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of

this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five

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years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation

enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional twelve months and one day shall be added to the standard sentence range for theft in the first or second degree when there has been a special verdict or finding that the damage to the victim greatly exceeds the value of the stolen property under section 11 of this act.

(10) An additional twelve months and one day shall be added to the standard sentence range for possessing stolen property in the first or second degree when there has been a special verdict or finding that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property under section 12 of this act."

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

On page 8, line 20 of the title amendment, after "parties;" strike the remainder of the title amendment and insert "amending RCW 9.94A.533; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties."

Senators Holmquist, Clements, Sheldon, Carrell and Stevens spoke in favor of adoption of the amendment to the striking

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amendment.

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

Senator Schoesler 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 Holmquist, Delvin and Sheldon on page 8, after line 11 to the striking amendment to Substitute Senate Bill No. 5312.

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, 30; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Poulsen, Roach, Schoesler, Sheldon, Stevens, Swecker 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, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Excused: Senator McCaslin - 1

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Tom to Substitute Senate Bill No. 5312.

The motion by Senator Tom 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 4 of the title, after "parties;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Roach and Sheldon 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. 5312.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, 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 McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, 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.

RULING BY THE PRESIDENT

President Owen: "Senator Oemig has raised a question as to whether Substitute Senate Bill 5797, as amended, takes a simple majority or a two-thirds vote of this body on final passage, because it implicates provisions of the law commonly referred to as Initiative 601. This is an important issue, and the President thanks the members in advance for their patience as he sets forth his analysis.

The President believes that this is another case where the difference between a state action that raises revenue for a general purpose as opposed to a specific purpose is key to deciding whether the supermajority provisions of I-601 are triggered. This bill would implement a \$10 surcharge on special endorsements for motorcycle driver's licenses. This surcharge would be distributed into three different accounts: The bulk would be placed into an account that is used for motorcycle safety and education; another portion would be placed into an account for driver's licensing costs and traffic safety; and the final portion would be placed into an account for use on highway purposes and vehicle safety.

The President reminds the body that neither the term assigned to the revenue action nor the name of the account into which funds are to be deposited is controlling for this analysis. Instead, the President believes it is the nexus between the tax or fee to be charged and the limited purpose or purposes for which the proceeds may be spent. The more direct the connection between the money collected and the narrow purpose for which it may be spent, the more likely it is that this is a specific fee, not a general tax, and the supermajority provisions of I-601 do not come into play. On the other hand, where the purposes for which the proceeds may be spent are broad and the connection between the revenue and its purpose is less direct, it is more likely the action would be a general tax which would need a supermajority vote for final passage.

In a recent ruling, the President determined that a fee collected for waste tire prevention had been converted into a more general tax because the purpose for which the amount was collected had been greatly expanded to the point where the connection to the fee's original purpose was no longer maintained. Despite retaining the name of the fee, the resulting tax would have had little connection to waste tire prevention and could instead be used for any transportation purpose. This broke the direct connection between the collection and the purpose for which it was being used, impermissibly broadening the former limitation on use of proceeds, and therefore put it under the supermajority requirements of I-601.

By contrast, this measure's proposed surcharge can be likened to a user fee, with a fairly direct nexus between the fee to be collected and the purposes for which it may be spent. Although the surcharge will be placed into several accounts, some of which are more limited in their use than others, all have a sufficient connection to the fee collected from motorcycle driver's license applicants: Motorcycle safety is a very direct connection, as is the use of the proceeds to defray the costs of actual license issuance. Likewise, the use for highway purposes and vehicle safety is sufficiently limited and connected to motorcycle drivers, although the President would caution that this final purpose seems to be getting on the outside edge of what could reasonably be included in this analysis.

For these reasons, Senator Oemig's point is not well-taken, and passage of this bill will require a simple majority vote of this body, 25 votes."

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The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5797 which had been deferred on March 12, 2007.

Senator 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. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Kastama, Kilmer, Kline, Marr, McAuliffe, Morton, Murray, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Voting nay: Senators Hobbs, Jacobsen, Kauffman, Kohl-Welles, Oemig, Pridemore and Tom - 7

Absent: Senator Keiser - 1

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5797, 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 3:10 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 4:35 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6018, by Senator Brandland

Changing provisions concerning detention of persons with a mental disorder or chemical dependency.

The measure was read the second time.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland and Hargrove be adopted.

On page 4, after line 6, strike all material through "imminence." on line 11.

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

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

MOTION

On motion of Senator Regala, Senators Hobbs and Kline were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland and Hargrove on page 4, after line 6 to Senate Bill No. 6018.

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

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MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Senate Bill No. 6018 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.

MOTION

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6018.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6018 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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, Kohl-Welles, Marr, McAuliffe, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Murray - 1

Excused: Senators Brown, Kline, McCaslin and Poulsen - 4

ENGROSSED SENATE BILL NO. 6018, 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. 5774, by Senators Hargrove, Kohl-Welles, Brandland and Shin

Revising background check requirements for the department of social and health services and the department of early learning.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5774 was substituted for Senate Bill No. 5774 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Kohl-Welles and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through the Washington state patrol and the federal bureau of investigation at anytime, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

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(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(3) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(4) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(5) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care when fees create a hardship as required under RCW 74.15.030.

(6) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(7) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(8) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(9) The department shall confirm that an applicant or service provider is a United States citizen or an eligible noncitizen. Citizenship or eligibility status may be confirmed through verification of the applicant's or service provider's social security number.

(10) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may

have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

Sec. 2. RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;

(c) Disclosure of the fact of adoption to the child;

(d) The child's possible questions about birth parents and relatives; and

(e) The relevance of the child's racial, ethnic, and cultural heritage.

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(3) All preplacement reports shall include ~~((an investigation))~~ a background check of the conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The ~~((investigation))~~ background check shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system ~~((as described in chapter 43.43 RCW))~~ including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all states in which the prospective adoptive parents or any other adult living in the home have lived during the five years preceding the date of the preplacement report.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

Sec. 3. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is

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endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+3))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced

community-based services to persons who are determined not to require further state intervention.

~~((+4))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+5))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

Sec. 4. RCW 43.43.842 and 1998 c 10 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830(~~(- or (iv) the subject in a protective proceeding under chapter 74.34 RCW).~~)

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

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(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 5. RCW 74.15.030 and 2006 c 265 s 402 and 2006 c 54 s 8 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) ~~(The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons:~~

~~— In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure.~~

~~— No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense.~~

~~— The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;~~

~~— (c)) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character,~~

~~competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;~~

~~(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;~~

~~(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;~~

~~(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:~~

~~(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;~~

~~(ii) Foster care and adoption placements; and~~

~~(iii) Any adult living in a home where a child may be placed;~~

~~(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;~~

~~(g) The cost of fingerprint background check fees will be paid as required in section 1 of this act;~~

~~(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;~~

~~(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;~~

~~((f)) (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;~~

~~((e)) (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;~~

~~((f)) (l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and~~

~~((g)) (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;~~

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

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(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies;

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 74.15.--- (section 6, chapter 54, Laws of 2006) and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 6. Federal and state law require the balancing of the privacy interests of individuals with the government's interest in the protection of children and vulnerable adults. The legislature finds that the balancing of these interests may be skewed in favor of the privacy rights of individuals. Therefore, a work group is created to research the current laws regarding background checks for prospective employees of public and private entities which work with vulnerable adults or children. The legislature finds that a comprehensive background check which includes both civil and criminal information is a valuable tool in safeguarding vulnerable adults and children from preventable risk.

NEW SECTION. Sec. 7. (1) The department of social and health services shall convene a work group to review the current federal and state laws and administrative rules and practices with respect to sharing confidential information.

(2)(a) The work group shall include but not be limited to the following members, chosen by the chief executive officer of each entity:

(i) A representative of the department of social and health services;

(ii) A representative of the department of early learning;

(iii) A representative of the department of health;

(iv) A representative of the office of the superintendent of public instruction;

(v) A representative of the department of licensing;

(vi) A representative of the Washington state patrol;

(vii) A representative from the Washington state bar association;

(viii) A representative of the Washington association of sheriffs and police chiefs;

(ix) A representative of the Washington association of criminal defense attorneys;

(x) A representative from the administrative office of the courts; and

(xi) A representative from the department of information services.

(b) The work group shall also include as nonvoting ex officio members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) Additional voting members may be invited to participate as determined by the work group.

(3) Appointments to the work group shall be completed within thirty days of the effective date of this section.

(4) The work group may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The secretary of the department of social and health services or the secretary's designee shall serve as chair of the work group.

(7) The department of social and health services shall provide staff support to the work group.

(8) The work group shall:

(a) Provide an interim report to the legislature and the governor by December 1, 2007; and

(b) Make recommendations to the legislature and the governor by July 1, 2008, regarding improving current processes for sharing information, including but not limited to the feasibility of creating a clearinghouse of information.

(9) This section expires November 30, 2008.

NEW SECTION. Sec. 8. If specific funding for the purposes of sections 6 and 7 of this act, referencing sections 6 and 7 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 6 and 7 of this act are null and void."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Kohl-Welles and Stevens to Substitute Senate Bill No. 5774.

The motion by Senator Hargrove 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 "Relating to" strike the remainder of the title and insert "revising background check processes; amending RCW 26.33.190, 26.44.030, and 43.43.842; reenacting and amending RCW 74.15.030; adding a new section to chapter 43.43 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5774.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5774 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Kline, McCaslin and Poulsen - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5774, 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. 5909, by Senators Rasmussen, Roach, Regala, Eide, McAuliffe, Kilmer, Hargrove, Kastama, Tom, Shin, Kohl-Welles, Stevens, Carrell, Franklin and Kline

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Supporting the needs of children who have been in foster care.

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5909 was substituted for Senate Bill No. 5909 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. A new section is added to chapter 70.190 RCW to read as follows:

In connection with its duties pursuant to RCW 70.190.110, the council shall review programs that provide services to adolescent foster children, and to youth who have reached the age of eighteen and are no longer required to live in the care of foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) After the family policy council has completed its review of programs that provide services to adolescent foster children and to youth who have reached the age of eighteen and are no longer required to live in the care of foster parents, pursuant to section 1 of this act, the department shall create a pilot program to establish a foster youth community coordinator in three regional office locations within the state. The purpose of the pilot program is to provide assistance to foster youth who are reaching eighteen years of age to facilitate their ability to live independently upon leaving state care.

(2) The program shall include two sites selected by the department not later than September 1, 2007.

(3) The responsibilities of the foster youth community coordinator include the following:

(a) To facilitate collaboration among organizations providing services to foster youth who are reaching their eighteenth birthday and leaving foster care, as well as collaboration between the department and these organizations;

(b) To facilitate training of those providing services to youth who are preparing to leave foster care regarding the following:

(i) The educational needs of foster youth, particularly interventions for older youth;

(ii) The foster care system;

(iii) The educational rights of children;

(iv) The role of education in the development and adjustment of children;

(v) Improving the education outcomes of youth in foster care;

(vi) Building communities that support the needs of youth in out-of-home care; and

(vii) Education support for foster youth in transition; and

(c) Improving communication to foster youth regarding the services and programs available to them as they prepare to leave foster care and live independently.

(4) The program shall include measurable objectives for the purpose of evaluation.

(5) The department shall evaluate the program to determine whether the objectives of the program have been met and shall inform the legislature not later than January 1, 2009, of the results of the pilot program.

Sec. 3. RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency; PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

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(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14)(a) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(b) Have the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care for up to six months following the youth's eighteenth birthday for the purpose of receiving independent living skills while residing in a foster care placement.

(15) Within funds specifically appropriated therefor, the department shall work with foster children exiting from care at the age of eighteen, or exiting under subsection (10) or (14)(b) of this section, to develop an independent living plan that may include assistance with first month's rent, security deposit, and incidental items necessary to live independently. The combined value of assistance shall not exceed two thousand dollars per youth. The rent, security deposit, and incidental items shall be provided through vouchers. No cash or check shall be directly provided to the youth.

NEW SECTION. Sec. 4. Nothing in this act shall be construed to create:

- (1) An entitlement to services;
- (2) Judicial authority to extend the jurisdiction of juvenile court in a proceeding under chapter 13.34 RCW or to order the provision of services to a youth who has attained eighteen years of age; or
- (3) A private right of action or claim on the part of any individual, entity, or agency against the department of social and health services or any contractor of the department."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute Senate Bill No. 5909.

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 2 of the title, after "care;" strike the remainder of the title and insert "reenacting and amending RCW 74.13.031; adding a new section to chapter 70.190 RCW; adding a new section to chapter 74.13 RCW; and creating a new section."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5909 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 declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5909 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, 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. 5984, by Senators Murray and Clements

Allowing only structural engineers to provide engineering services for significant structures.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Clements spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles,

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Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 36

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Stevens and Zarelli - 11

Excused: Senators Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5984, 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. 6119, by Senators Eide, Keiser, Marr, Jacobsen, Franklin, Benton and Rasmussen

Changing the distribution to and allocation of the fire service training account.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6119 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 Senate Bill No. 6119.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6119 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

SENATE BILL NO. 6119, 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. 5844, by Senators Roach, Jacobsen, Rockefeller, Rasmussen and Sheldon

Concerning specialized forest products and specialty wood.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5844 was substituted for Senate Bill No. 5844 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5844.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5844 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5844, 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. 5561, by Senators Oemig, Fairley, Hobbs, Brown, Spanel, Franklin, Kline, Jacobsen and McAuliffe

Allowing voter registration up to and on election day.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

Senator Benton spoke on passage of the bill.

Senators Roach and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5561.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Shin, Spanel, Tom and Weinstein - 28

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

Excused: Senators Kline and McCaslin - 2

SENATE BILL NO. 5561, 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. 5387, by Senators Kastama, Kilmer, Kauffman and Shin

Promoting economic development through

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commercialization of technologies.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5387 was substituted for Senate Bill No. 5387 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. 5387 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 Substitute Senate Bill No. 5387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5387 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5387, 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. 5669, by Senators Holmquist, Poulsen, Rasmussen, Pflug, Oemig, Swecker, Clements, Schoesler, Roach, Rockefeller and Kilmer

Requiring agencies to expedite decisions regarding the implementation of renewable fuel standards.

The measure was read the second time.

MOTION

Senator Holmquist moved that the following striking amendment by Senators Holmquist and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Lead agencies, and other agencies with jurisdiction, shall process all applications and decisions relating to infrastructure improvements or activities necessary to implement renewable fuel standards under chapter 19.112 RCW and RCW 43.19.642 in a defined and efficient manner according to specific timelines and practices designed to minimize processing and review times. Such applications and decisions may be processed prior to competing applications and decisions, to the extent appropriate under current law. Application and permit review requirements, turnaround times, and agency and applicant performance according to these standards shall be posted and made easily accessible to the public.

(2) Applications and decisions subject to the provisions of this section include, but are not limited to, any attendant and nonexempt license, permit, or approval requirements or state environmental policy act requirements under RCW 43.21C.030 and chapter 197-11 WAC relating to the:

(a) Installation of new storage tanks; pumps; any project to allow for increasing refining and blending capacity; any project

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to allow for efficiency improvements for refiners, blenders, or bulk plant operators; and any modification to off-loading or on-loading racks;

(b) Addition of heating or other equipment to biodiesel storage tanks or tanks that hold a blended product; and

(c) Replacement of underground fuel storage tanks, aboveground fuel storage tanks, pumps, and large bulk tanks.

(3) This section does not apply to biodiesel or ethanol production facilities.

(4) This section expires January 1, 2009."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist and Poulsen to Senate Bill No. 5669.

The motion by Senator Holmquist 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 "standards;" strike the remainder of the title and insert "adding a new section to chapter 43.21C RCW; and providing an expiration date."

MOTION

On motion of Senator Holmquist, the rules were suspended, Engrossed Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5669.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5669 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

ENGROSSED SENATE BILL NO. 5669, 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. 5014, by Senator Pridemore

Amending the process for adopting contribution rates for the state retirement systems.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5014 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

SENATE BILL NO. 5014, 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. 5097, by Senators Rockefeller, McAuliffe, Swecker, Kastama, Regala, Weinstein, Eide, Oemig, Pridemore, Kohl-Welles, Keiser, Shin, Berkey, Murray, Kline and Rasmussen

Changing requirements for safe school plans. Revised for 1st Substitute: Regarding safe schools.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller 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. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 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, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, 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 Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5097, 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

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SENATE BILL NO. 5098, by Senators Rockefeller, Keiser, Weinstein, Fairley, Marr, Murray, Kastama, Kohl-Welles, Rasmussen, McAuliffe, Kauffman, Kilmer, Tom and Shin

Creating the guaranteed opportunities scholarship. Revised for 2nd Substitute: Creating the Washington guaranteed scholarship program.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the second 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 1, line 1, after "Washington", strike "guaranteed", and insert "college bound".

On page 1, line 17, after "Washington", strike "guaranteed", and insert "college bound".

On page 2, line 6, after "Washington", strike "guaranteed", and insert "college bound".

On page 2, line 9, after "Washington", strike "guaranteed", and insert "college bound".

On page 2, line 19, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 11, after "qualify.", strike "The guaranteed", and insert "The Washington college bound".

On page 3, line 20, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 23, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 26, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 32, after "Washington", strike "guaranteed", and insert "college bound".

On page 4, line 2, after "Washington", strike "guaranteed", and insert "college bound".

On page 6, line 2, after "Washington", strike "guaranteed", and insert "college bound".

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 1, line 1 to Second Substitute Senate Bill No. 5098.

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

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5098 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.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5098.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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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, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Kline and McCaslin - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098, 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 6:00 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 7:15 p.m.

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The Senate was called to order at 7:15 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5175, by Senators Pridemore, Schoesler, Fraser, Fairley, McAuliffe, Shin, Jacobsen, Prentice, Franklin and Rasmussen

Providing annual increases in certain retirement allowances.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Kastama and Kline were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

On motion of Senator Brandland, Senators Benton, McCaslin, Morton, Pflug, Stevens and Zarelli were excused.

MOTION

On motion of Senator Weinstein, Senators Keiser, Kohl-Welles and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5175.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Excused: Senators Brown, Kastama, Keiser, Kline, McCaslin and Poulsen - 6

SENATE BILL NO. 5175, 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. 5517, by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala

Increasing the personal needs allowance for persons receiving state-financed care.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5517 was substituted for Senate Bill No. 5517 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. 5517 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. 5517.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Kastama, Kline, McCaslin and Poulsen - 5

SUBSTITUTE SENATE BILL NO. 5517, 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. 5429, by Senators Franklin and Kohl-Welles

Concerning deductions from moneys received by an inmate.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5429 was advanced to third reading, the second

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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 Senate Bill No. 5429.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5429 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SENATE BILL NO. 5429, 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. 5318, by Senators Poulsen and Jacobsen

Participating in the management of Washington's portion of the Yukon to Yellowstone Rocky mountain ecosystem.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on the second reading and read the second time.

Senator Jacobsen spoke on the substitute bill.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 34

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Parlette, Roach, Schoesler, Sheldon and Stevens - 12

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5318, 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.

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Senator Morton gave notice of his intent to move to reconsider the vote by which Substitute Senate Bill No. 5318 passed the Senate.

SECOND READING

SENATE BILL NO. 5445, by Senators Jacobsen, Morton and Rasmussen

Authorizing oil and gas regulatory cost-reimbursements. Revised for 1st Substitute: Regarding cost-reimbursement agreements.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen 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. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5445, 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. 5219, by Senator Jacobsen

Transferring the Northwest weather and avalanche center to the state parks and recreation commission. Revised for 1st Substitute: Regarding the Northwest weather and avalanche center.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5219.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5219, 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. 5452, by Senator Rockefeller

Providing for reunification after termination of parental rights.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that current law does not explicitly provide for reunification of a child with his or her parent or parents after termination of parental rights even in cases where a child is not expected to get the benefits of being adopted into a new family or of having a permanent adult guardian. A child can remain in this status even if there has been a significant change of circumstances in a parent's situation and the minor child's preference is to reunite with his or her parent. There may be cases in which a child will no longer be at risk of abuse or neglect by a former parent and it is in the best interests of a child who is legally free to be reunited with his or her parent.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter; and

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights.

(2) The child may file the petition prior to the expiration of this three-year period if the department or the supervising or custodial agency that is responsible for the custody or supervision of the child and the child stipulate that the child is not likely to achieve his or her permanency plan.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9) The court shall grant the petition and dismiss the dependency only if the child and the parent or parents who were the subject of a petition under this section and whose parental rights were reinstated agree that the child will return to the legal custody of the parent or parents and the court finds that returning to the legal custody of the parent or parents is in the best interests of the child and will not present a risk to the child's health, welfare, or safety. The court shall order the department to provide services necessary to ensure the child's health, welfare, and safety, including a home study, as the child transitions back into the parent's legal custody.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

NEW SECTION. Sec. 3. This act is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

Sec. 4. RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as

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provided in section 2 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 5452.

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

MOTION

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

On page 1, line 2 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 13.34.200; adding a new section to chapter 13.34 RCW; and creating new sections."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Stevens 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. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, 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. 5455, by Senators Morton and Rasmussen

Creating the community revitalization partnership pilot program.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5455 was substituted for Senate Bill No. 5455 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 5455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen 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. 5455.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5455 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Weinstein - 1

Excused: Senators Kastama, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5455, 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. 5967, by Senators Pridemore, Zarelli, Berkey, Schoesler, Eide, Marr, Parlette, Sheldon, Tom, Hobbs, Carrell, Hatfield, Honeyford, Roach, Shin and Benton

Concerning the sales of vehicles and associated services to nonresidents of Washington.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5967 was substituted for Senate Bill No. 5967 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore 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. 5967.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

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Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5967, 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. 5509, by Senators Kastama, Pflug, Kohl-Welles, Keiser, Parlette, Carrell, Regala and Franklin

Concerning disciplinary actions for health care providers regulated under chapter 18.130 RCW.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Delvin 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. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5509, 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. 5653, by Senators Kauffman, Kastama, Brown, Berkey, Rockefeller, Keiser, Franklin, Kohl-Welles and Shin

Authorizing the development of self-employment assistance programs.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5653 was substituted for Senate Bill No. 5653 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. 5653 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 Substitute Senate Bill No. 5653.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5653, 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. 5910, by Senators Brandland, Kline, Weinstein and Parlette

Modifying the notice requirement of intent to file a medical malpractice claim.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 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. 5910 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. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5910, 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. 5100, by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen

Regarding health insurance information for students.

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MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, beginning on line 6, after "public" strike "or private"

Senators Holmquist and Hobbs 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 1, line 6 to Substitute Senate Bill No. 5100.

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

MOTION

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

On page 1, line 7, strike "shall" and insert "may"
 On page 1, line 13, strike "shall" and insert "may"
 On page 1, line 16, strike "shall" and insert "may"
 On page 1, line 18, strike "shall" and insert "may"
 On page 2, line 3, strike "are required to" and insert "may"
 On page 2, line 7, strike "shall" and insert "may"
 On page 2, line 16, strike "must" and insert "may"

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 7 to Substitute Senate Bill No. 5100.

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

MOTION

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

On page 2, after line 19, insert the following:

"**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "insurance", insert "creating a new section,"

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

Senator Schoesler 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 Holmquist on page 2, after line 19 to Substitute Senate Bill No. 5100.

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, 17; Nays, 29; Absent, 0; Excused, 3.

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

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Excused: Senators Kastama, Kline and McCaslin - 3

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

Senators Zarelli and Holmquist 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. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

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

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senators Kastama, Kline and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, 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. 5702, by Senators Benton, Keiser, Swecker, Kohl-Welles and Roach

Requiring notice to certain employees of a claim of exemption from paying unemployment insurance taxes.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and 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. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5702, 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. 5745, by Senators Brown and Kohl-Welles

Regarding the use of solid fuel burning devices during impaired air quality conditions.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5745 was substituted for Senate Bill No. 5745 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown 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. 5745.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5745 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5745, 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. 5164, by Senators Jacobsen, Hobbs, Shin, Rasmussen, Kilmer and Franklin

Expanding the veterans conservation corps program.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5164 was substituted for Senate Bill No. 5164 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton 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. 5164.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5164, 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. 5315, by Senators Schoesler, Rasmussen, Holmquist, Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield, Kilmer, Shin and Roach

Authorizing residents to access their property during a forest fire. Revised for 1st Substitute: Regarding access to property during a forest fire.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Jacobsen 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. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Kastama, Kline and McCaslin - 3

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SUBSTITUTE SENATE BILL NO. 5315, 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 9:20 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 14, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

| | |
|----------------------------------|----|
| Second Reading | 25 |
| 1002-S | |
| Messages | 1 |
| 1009-S2 | |
| Messages | 1 |
| 1035-S2 | |
| Introduction & 1st Reading | 1 |
| 1151-S | |
| Messages | 1 |
| 1179-S | |
| Messages | 1 |
| 1211-S | |
| Introduction & 1st Reading | 1 |
| Other Action | 5 |
| 1280-S2 | |
| Introduction & 1st Reading | 1 |
| 1303-S2 | |
| Introduction & 1st Reading | 1 |
| 1307-S | |
| Messages | 12 |
| 1359-S2 | |
| Introduction & 1st Reading | 2 |
| 1394-S | |
| Introduction & 1st Reading | 2 |
| 1401-S2 | |
| Introduction & 1st Reading | 2 |
| 1407-S | |
| Messages | 1 |
| 1418 | |
| Introduction & 1st Reading | 2 |
| 1432-S2 | |
| Messages | 1 |
| 1492-S | |
| Introduction & 1st Reading | 2 |
| 1497-S | |
| Messages | 1 |
| 1506-S2 | |
| Messages | 1 |
| 1508-S | |
| Introduction & 1st Reading | 2 |
| 1513-S | |
| Messages | 1 |
| 1525 | |
| Messages | 1 |
| 1549 | |
| Messages | 1 |
| 1569-S2 | |
| Introduction & 1st Reading | 2 |
| 1573-S2 | |
| Introduction & 1st Reading | 2 |
| 1583-S | |
| Messages | 1 |
| 1588-S | |
| Introduction & 1st Reading | 2 |
| 1595-S2 | |
| Messages | 12 |

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|---------|----------------------------|----|----------|-----------------------------|----|
| 1624-S | Messages | 12 | Messages | 1 | |
| 1637-S | Messages | 1 | 2191-S | Messages | 1 |
| 1641-S | Messages | 12 | 2209-S | Introduction & 1st Reading | 4 |
| 1649-S | Messages | 12 | 2220-S2 | Introduction & 1st Reading | 4 |
| 1651-S | Messages | 1 | 2230-S | Introduction & 1st Reading | 4 |
| 1654-S | Messages | 1 | 2236 | Introduction & 1st Reading | 5 |
| 1656-S2 | Introduction & 1st Reading | 3 | 2246-S | Messages | 1 |
| 1670 | Introduction & 1st Reading | 3 | 2256-S2 | Messages | 1 |
| 1727-S | Introduction & 1st Reading | 3 | 2275-S | Introduction & 1st Reading | 5 |
| 1746 | Messages | 1 | 2292-S | Introduction & 1st Reading | 5 |
| 1761-S | Messages | 1 | 2300-S | Introduction & 1st Reading | 5 |
| 1779-S2 | Messages | 1 | 2304-S | Introduction & 1st Reading | 5 |
| 1802-S | Messages | 1 | 2317-S | Introduction & 1st Reading | 5 |
| 1805-S | Introduction & 1st Reading | 3 | 2327-S | Messages | 1 |
| 1811-S2 | Introduction & 1st Reading | 3 | 2335-S | Introduction & 1st Reading | 5 |
| 1826-S | Introduction & 1st Reading | 3 | 2358-S | Introduction & 1st Reading | 5 |
| 1843-S | Messages | 1 | 2373 | Introduction & 1st Reading | 5 |
| 1876-S | Messages | 1 | 4001 | Introduction & 1st Reading | 5 |
| 1892-S | Messages | 1 | 4204 | Messages | 1 |
| 1898 | Messages | 1 | 4404 | Introduction & 1st Reading | 5 |
| 1902 | Introduction & 1st Reading | 3 | 5014 | Second Reading | 34 |
| 1916-S | Messages | 1 | | Third Reading Final Passage | 35 |
| 1975-S | Introduction & 1st Reading | 3 | 5097 | Second Reading | 35 |
| 1993-S2 | Introduction & 1st Reading | 3 | 5097-S | Second Reading | 35 |
| 1994 | Introduction & 1st Reading | 3 | | Third Reading Final Passage | 35 |
| 2004 | Introduction & 1st Reading | 3 | 5098 | Second Reading | 35 |
| 2009 | Introduction & 1st Reading | 3 | 5098-S2 | Second Reading | 35 |
| 2016-S | Introduction & 1st Reading | 4 | | Third Reading Final Passage | 36 |
| 2017 | Introduction & 1st Reading | 4 | 5100 | Second Reading | 40 |
| 2031 | Introduction & 1st Reading | 4 | 5100-S | Second Reading | 41 |
| 2031-S | Introduction & 1st Reading | 4 | | Third Reading Final Passage | 41 |
| 2048 | Introduction & 1st Reading | 4 | 5164 | Second Reading | 42 |
| 2082-S2 | Messages | 1 | 5164-S2 | Second Reading | 42 |
| 2115-S | Introduction & 1st Reading | 4 | | Third Reading Final Passage | 42 |
| 2135 | Introduction & 1st Reading | 4 | 5175 | Second Reading | 36 |
| 2136 | Introduction & 1st Reading | 4 | | Third Reading Final Passage | 36 |
| 2152 | Messages | 1 | 5219 | Second Reading | 37 |
| 2176-S2 | Messages | 1 | 5219-S | Second Reading | 37 |
| | | | | Third Reading Final Passage | 38 |
| | | | 5224 | Second Reading | 19 |
| | | | 5224-S | Second Reading | 19 |
| | | | | Third Reading Final Passage | 19 |

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|---------|-----------------------------|--------|---------|-----------------------------|------------|
| 5227 | Second Reading | 7 | 5509 | Second Reading | 40 |
| 5227-S | Second Reading | 7 | 5509-S2 | Second Reading | 40 |
| | Third Reading Final Passage | 8 | | Third Reading Final Passage | 40 |
| 5292 | Second Reading | 15 | 5511 | Second Reading | 6 |
| 5292-S | Other Action | 18 | 5511-S | Second Reading | 7 |
| | Second Reading | 15 | | Third Reading Final Passage | 7 |
| | Third Reading Final Passage | 19 | 5517 | Second Reading | 36 |
| 5312 | Second Reading | 19 | 5517-S | Second Reading | 36 |
| 5312-S | Other Action | 21, 24 | | Third Reading Final Passage | 36 |
| | Second Reading | 19, 21 | 5526 | Second Reading | 9 |
| | Third Reading Final Passage | 24 | | Third Reading Final Passage | 9 |
| 5315 | Second Reading | 42 | 5552 | Second Reading | 13 |
| 5315-S | Second Reading | 42 | | Third Reading Final Passage | 14 |
| | Third Reading Final Passage | 43 | 5561 | Second Reading | 33 |
| 5318 | Second Reading | 37 | | Third Reading Final Passage | 33 |
| 5318-S | Other Action | 37 | 5566 | Second Reading | 13 |
| | Second Reading | 37 | 5566-S | Second Reading | 13 |
| | Third Reading Final Passage | 37 | | Third Reading Final Passage | 13 |
| 5320 | Second Reading | 5 | 5653 | Second Reading | 40 |
| 5320-S | Second Reading | 6 | 5653-S | Second Reading | 40 |
| | Third Reading Final Passage | 6 | | Third Reading Final Passage | 40 |
| 5339 | Second Reading | 13 | 5669 | Other Action | 34 |
| 5339-S | Second Reading | 13, 14 | | Second Reading | 34 |
| | Third Reading Final Passage | 14 | | Third Reading Final Passage | 34 |
| 5387 | Second Reading | 33 | 5688 | Second Reading | 6 |
| 5387-S | Second Reading | 34 | 5688-S | Second Reading | 6 |
| | Third Reading Final Passage | 34 | | Third Reading Final Passage | 6 |
| 5403 | Second Reading | 8 | 5702 | Second Reading | 41 |
| 5403-S | Second Reading | 8 | 5702-S | Second Reading | 41 |
| | Third Reading Final Passage | 8 | | Third Reading Final Passage | 42 |
| 5429 | Second Reading | 36 | 5726 | Second Reading | 10 |
| | Third Reading Final Passage | 37 | 5726-S | Other Action | 12 |
| 5445 | Second Reading | 37 | | Second Reading | 10, 11, 12 |
| 5445-S | Second Reading | 37 | | Third Reading Final Passage | 12 |
| | Third Reading Final Passage | 37 | 5745 | Second Reading | 42 |
| 5447 | Second Reading | 8 | 5745-S | Second Reading | 42 |
| 5447-S | Second Reading | 8 | | Third Reading Final Passage | 42 |
| | Third Reading Final Passage | 9 | 5774 | Second Reading | 25 |
| 5452 | Second Reading | 38 | 5774-S | Other Action | 30 |
| 5452-S | Other Action | 39 | | Second Reading | 25 |
| | Second Reading | 38 | | Third Reading Final Passage | 30 |
| | Third Reading Final Passage | 39 | 5797-S | Third Reading Final Passage | 25 |
| 5455 | Second Reading | 39 | 5806 | Second Reading | 6 |
| 5455-S2 | Second Reading | 39 | 5806-S2 | Second Reading | 6 |
| | Third Reading Final Passage | 39 | | Third Reading Final Passage | 6 |
| 5467 | Second Reading | 14 | 5844 | | |
| 5467-S2 | | | | | |

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| Second Reading | 33 |
| 5844-S | |
| Second Reading | 33 |
| Third Reading Final Passage | 33 |
| 5879 | |
| Second Reading | 19 |
| Third Reading Final Passage | 19 |
| 5909 | |
| Second Reading | 30 |
| 5909-S | |
| Other Action | 32 |
| Second Reading | 31 |
| Third Reading Final Passage | 32 |
| 5910 | |
| Second Reading | 40 |
| 5910-S | |
| Second Reading | 40 |
| Third Reading Final Passage | 40 |
| 5967 | |
| Second Reading | 39 |
| 5967-S | |
| Second Reading | 39 |
| Third Reading Final Passage | 40 |
| 5984 | |
| Second Reading | 32 |
| 5984-S | |
| Second Reading | 32 |
| Third Reading Final Passage | 33 |
| 6018 | |
| Second Reading | 25 |
| Third Reading Final Passage | 25 |
| 6075 | |
| Second Reading | 13 |
| Third Reading Final Passage | 13 |
| 6081 | |
| Second Reading | 15 |
| 6081-S | |
| Second Reading | 15 |
| Third Reading Final Passage | 15 |
| 6090 | |
| Second Reading | 9 |
| Third Reading Final Passage | 9 |
| 6119 | |
| Second Reading | 33 |
| Third Reading Final Passage | 33 |
| 6128 | |
| Second Reading | 7 |
| Third Reading Final Passage | 7 |
| 8657 | |
| Adopted | 10 |
| Introduced | 9 |
| PRESIDENT OF THE SENATE | |
| Intro. Special Guest, Apple Blossom Court | 10 |
| Remarks by the President | 9 |
| Ruling by the President | 24 |
| WASHINGTON STATE SENATE | |
| Personal Privilege, Senator Rasmussen | 9 |
| Remarks by Laura DeCamp, Apple Blossom Queen | 10 |