

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 14, 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.

The Sergeant at Arms Color Guard consisting of Pages Kristina Pratt and Matthew Prentice, presented the Colors. Lt. Commander Edwin M. Carroll, Command Chaplain at U. S. Naval Station Everett 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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

March 13, 2007

SGA 9098 JEFFRY COLLITON, appointed July 15, 2006, for the term ending January 1, 2012, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007

SGA 9101 BRIAN COMSTOCK, appointed April 2, 2006, for the term ending August 2, 2008, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007

SGA 9128 LYLE JACOBSEN, reappointed August 3, 2006, for the term ending August 2, 2012, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007

SGA 9140 RUTHANN KUROSE, appointed January 16, 2007, for the term ending January 15, 2013, as Member of the Liquor Control Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007

SGA 9221 LORRAINE LEE, appointed November 16, 2006, for the term ending January 15, 2011, as a Chair of the Liquor Control Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MOTION

On motion of Senator Eide, Gubernatorial Appointment Elizabeth A. Willis reappointed to the State Board for Community and Technical Colleges for a term beginning April 4, 2007 and ending April 3, 2011 was substituted for Gubernatorial Appointment No. 9194 of Elizabeth A. Willis to the State Board of Community and Technical Colleges for a term ending April 3, 2007 and that the reappointment was placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 8, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RICHARD FORD, reappointed July 1, 2007, for the term ending June 30, 2013, as Member of the Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 16, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEPHANIE SALZMAN, appointed February 15, 2007, for the term ending June 30, 2008, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

Takko, Pedersen, Simpson, Dickerson, Moeller, McIntire, Schual-Berke, Quall, Springer and Morrell)

## MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

AN ACT Relating to freedom of student press and speech; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

## MOTION

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

SHB 1407 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Green)

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1002 by House Committee on Finance (originally sponsored by Representatives O'Brien, Orcutt, Kessler, Condotta, McIntire, Sommers, Kenney, McDonald, Haler, Simpson, Wallace and Warnick)

AN ACT Relating to funding the administration of Title 50 RCW, unemployment compensation; amending RCW 50.20.190, 50.24.014, 50.29.063, and 50.16.010; and creating a new section.

AN ACT Relating to the sales and use taxation of vessels; amending RCW 88.02.030; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

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

Referred to Committee on Ways & Means.

E2SHB 1432 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Upthegrove, Simpson, Hunter, Moeller, Linville, Schual-Berke and Santos)

2SHB 1009 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Wallace, Linville, Wood and Dickerson)

AN ACT Relating to educational staff associates; amending RCW 28A.150.410; and creating a new section.

AN ACT Relating to establishing work groups to periodically review and update the child support schedule; amending RCW 26.09.173, 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter 26.19 RCW; creating new sections; and providing expiration dates.

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

Referred to Committee on Human Services & Corrections.

ESHB 1497 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Anderson, Sells, Hinkle, Roberts, Warnick, Buri, B. Sullivan, Priest, Hasegawa and Dunn)

ESHB 1151 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Pearson, Kretz, Dunshee, B. Sullivan, Kristiansen, Warnick and Haler)

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; and creating a new section.

AN ACT Relating to animal identification programs; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

Referred to Committee on Agriculture & Rural Economic Development.

2SHB 1506 by House Committee on Capital Budget (originally sponsored by Representatives Haigh, Armstrong, Hunt and Ormsby)

ESHB 1179 by House Committee on Appropriations (originally sponsored by Representatives Hasegawa, Jarrett, Sells, Roberts, Anderson, Green, Sommers, Kenney, Wallace, Buri, Appleton, Hudgins, Kagi, Ormsby, McDonald, Conway, Wood, Santos, Schual-Berke, Simpson, Lantz, Haigh and Morrell)

AN ACT Relating to alternative public works; amending RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.080, 39.10.070, 39.10.130, 39.10.120, 60.28.011, and 70.150.070; reenacting and amending RCW 39.10.051 and 39.10.061; adding new sections to chapter 43.131 RCW; adding new sections to chapter 39.10 RCW; recodifying RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.051, 39.10.080, 39.10.070, 39.10.061, 39.10.130, 39.10.100, 39.10.090, 39.10.120, 39.10.900, and 39.10.901; repealing RCW 39.10.902, 39.10.030, 39.10.040, 39.10.063, 39.10.065, 39.10.067, 39.10.068, 39.10.115, and 39.10.117; providing effective dates; and declaring an emergency.

AN ACT Relating to allowing students attending a postsecondary institution on a less than half-time basis to qualify for a state need grant; amending RCW 28B.92.080, 28B.92.060, and 28B.15.820; adding a new section to chapter 28B.92 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Higher Education.

ESHB 1307 by House Committee on Judiciary (originally sponsored by Representatives Upthegrove, Lantz, Williams, O'Brien, Sells, McCoy, Appleton, Darmeille, Lovick, Dunshee,

SHB 1513 by House Committee on Finance (originally sponsored by Representatives Kessler, Orcutt, Grant, Alexander, Blake, VanDeWege, Kretz, Takko, Linville and Ericks)

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AN ACT Relating to the excise taxation of forest products businesses; amending RCW 76.09.405, 82.04.261, 82.04.333, and 82.32.630; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.45 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 1525 by Representatives Chase, Kessler, Morris, Sump, B. Sullivan, Hunt and Hudgins

AN ACT Relating to regulatory fairness for small businesses; amending RCW 19.85.020, 19.85.030, and 19.85.040; and creating a new section.

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

HB 1549 by Representatives Linville, Kristiansen, Ericksen, McCune and Dunn

AN ACT Relating to exempting wholesale sales of unprocessed milk for processing from business and occupation tax; and amending RCW 82.04.332.

Referred to Committee on Ways & Means.

SHB 1583 by House Committee on Commerce & Labor (originally sponsored by Representatives Moeller, Conway, Darneille, Wood, Green, Ormsby and Morrell)

AN ACT Relating to disclosure of the percentage of automatic service charges paid to servers; and adding a new section to chapter 19.48 RCW.

Referred to Committee on Consumer Protection & Housing.

E2SHB 1595 by House Committee on Appropriations (originally sponsored by Representatives Appleton, Jarrett, Hunt and Lantz)

AN ACT Relating to shellfish protection programs; amending RCW 90.72.020; adding new sections to chapter 90.72 RCW; creating new sections; and repealing RCW 90.72.030 and 90.72.045.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1624 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Appleton, Roberts and Haigh)

AN ACT Relating to child welfare; amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.136, 13.34.138, and 13.34.145; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

ESHB 1637 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Cody, B. Sullivan, Moeller, Campbell, Williams, Green, Lovick, Upthegrove, Seaquist, Goodman, Simpson, Morrell, Linville, Ormsby and Rolfes)

AN ACT Relating to creating the revised uniform anatomical gift act; amending RCW 68.50.500, 1.50.010, 46.12.510, 46.20.113, and 46.20.1131; adding a new chapter to Title 68 RCW; recodifying RCW 68.50.500, 68.50.635, and 68.50.640; repealing RCW 68.50.510, 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

ESHB 1649 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Bailey, Crouse, Sells, Moeller and Simpson)

AN ACT Relating to purchasing an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system; amending RCW 41.40.124, 41.40.127, 41.40.870, 41.40.873, and 41.32.584; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

SHB 1651 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Alexander, B. Sullivan, Walsh and Simpson)

AN ACT Relating to boating activities; and adding new sections to chapter 79A.60 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1654 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Haigh and Hunt)

AN ACT Relating to modifying provisions on the canvassing of ballots; amending RCW 29A.60.160 and 29A.60.170; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

ESHB 1741 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Skinner and Conway)

AN ACT Relating to the oral history program; amending RCW 43.07.380, 43.07.220, 43.07.230, 43.07.240, and 43.07.037; adding a new section to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW; adding a new section to chapter 43.07 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230, and 43.07.240.

Referred to Committee on Government Operations & Elections.

HB 1746 by Representatives Orcutt, Santos, McIntire and Alexander

AN ACT Relating to the property taxation of historic property leased to counties; amending RCW 84.36.010; and creating a new section.

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SHB 1761 by House Committee on Capital Budget (originally sponsored by Representatives Linville, Hunter, Priest, Hunt, B. Sullivan, Upthegrove, Kessler, Sump, Hankins, Jarrett, Fromhold, Appleton, Rolfes, Darneille, Campbell, Conway, Green, O'Brien, Schual-Berke, Simpson, Ormsby and Chase)

AN ACT Relating to expediting the cleanup of hazardous waste and creating incentives for Puget Sound cleanups; and amending RCW 70.105D.010, 70.105D.030, and 70.105D.070.

Referred to Committee on Water, Energy & Telecommunications.

E2SHB 1779 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Dunn, Haigh, Kenney, Hasegawa, B. Sullivan, McDermott, Takko, Roberts, P. Sullivan, Fromhold, Quall, Simpson, Lantz, Hudgins, Kagi, Santos, Ormsby and Morrell)

AN ACT Relating to the GET ready for math and science scholarship program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SHB 1802 by House Committee on Health Care & Wellness (originally sponsored by Representatives Darneille, Kenney, Dickerson, Hankins, Linville, Cody, Roberts, Appleton, Schual-Berke, Walsh, Santos, Wallace, Haigh, Simpson, Green, Clibborn, Warnick, Rolfes, Morrell, Pettigrew, Bailey, Lantz, Eddy, Sommers, Kessler, Kagi, Skinner, McDonald, Chase, Hudgins, Hasegawa, Pedersen, Ericks, Goodman and Moeller)

AN ACT Relating to information about the human papillomavirus disease and vaccine; and amending RCW 28A.210.080.

Referred to Committee on Health & Long-Term Care.

SHB 1843 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Chandler and Moeller)

AN ACT Relating to the regulation of construction contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.080, 18.27.090, 18.27.104, 18.27.114, 18.27.200, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.290, and 18.27.310; adding a new section to chapter 18.27 RCW; and prescribing penalties.

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

SHB 1876 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Ormsby)

AN ACT Relating to certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work; and creating a new section.

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

SHB 1892 by House Committee on Transportation (originally sponsored by Representatives Goodman, Rodne, O'Brien, Jarrett, Lovick and Priest)

AN ACT Relating to the impoundment of vehicles by police officers; and amending RCW 46.55.113 and 46.16.010.

Referred to Committee on Transportation.

EHB 1898 by Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby

AN ACT Relating to apprenticeship utilization requirements on school district public works projects; and amending RCW 39.04.310 and 39.04.320.

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

ESHB 1916 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Ericksen, Moeller, Strow, Green, Haler, Appleton, Seaquist, Chase, Priest, McDermott, Walsh, Ormsby, Hasegawa, Fromhold, Kessler, Dunshee, Dunn, Sells, Wood, P. Sullivan, Kenney and Morrell)

AN ACT Relating to interest arbitration regarding certain care providers; and amending RCW 41.56.465, 41.56.028, and 74.39A.270.

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

E2SHB 2082 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Wallace, Grant, Buri, Miloscia, Kretz and Newhouse)

AN ACT Relating to establishing the field of dreams program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2152 by Representatives Appleton, Seaquist, Rolfes, Haigh, Eickmeyer, Lantz and Ormsby

AN ACT Relating to election certification dates; and amending RCW 29A.04.133, 29A.52.360, 29A.68.011, 29A.68.020, 29A.68.030, and 29A.68.120.

Referred to Committee on Government Operations & Elections.

E2SHB 2176 by House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman)

AN ACT Relating to interpreter services; amending RCW 2.42.120 and 2.43.040; reenacting and amending RCW 2.56.030; and adding a new section to chapter 2.43 RCW.

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Referred to Committee on Ways & Means.

ESHB 2191 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Warnick, Pedersen, Williams, Moeller, Seaquist, Morrell, Kelley, Simpson and Ormsby)

AN ACT Relating to limiting deferred prosecution in domestic violence cases; amending RCW 10.05.010, 10.05.020, and 10.05.030; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 2246 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Haler, Fromhold, Wallace, Kenney, Dickerson, Morrell, Simpson, Conway and Ormsby)

AN ACT Relating to the delivery of educational services to children who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.022, 72.40.070, 72.40.090, 72.40.220, 72.40.230, 72.40.240, 72.40.250, 72.40.260, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; and providing an expiration date.

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

2SHB 2256 by House Committee on Finance (originally sponsored by Representatives Darneille, Haler, Morrell, Walsh, Pettigrew, Dickerson, Kenney, Schual-Berke, Kagi, P. Sullivan, Lantz, Hinkle, Upthegrove, Appleton, Williams, Seaquist, O'Brien, Hasegawa, Green, Linville, Simpson, Ormsby and Santos)

AN ACT Relating to establishing the family prosperity act; amending RCW 19.182.020; adding new sections to chapter 43.63A RCW; adding a new section to chapter 74.08A RCW; creating a new section; and repealing RCW 43.63A.765 and 43.63A.767.

Referred to Committee on Economic Development, Trade & Management.

2SHB 2327 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Priest, Haler, Quall, Jarrett, Wallace, Kenney, McDermott, Sells, Santos, Wood and Ormsby)

AN ACT Relating to a system of standards, instruction, and assessments for mathematics and science; amending RCW 28A.655.061, 28A.155.045, 28A.655.070, and 28A.655.200; adding new sections to chapter 28A.655 RCW; creating new sections; and providing an expiration date.

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

EHJR 4204 by Representatives Schual-Berke, Chase, Wallace, Hudgins, Sells, Kenney, Appleton, Pedersen, Ormsby, Hasegawa, Lovick, Haigh, Dunshee, Hunt, Simpson, Lantz, Hunter, Williams, Linville, Goodman, Conway, Springer, Hurst,

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Campbell, P. Sullivan, Miloscia, Kelley, Moeller, Green, Rolfes, Eddy, Santos, Fromhold and Haler

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

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

MOTION

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

MOTION

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION  
8656

By Senator McAuliffe

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, Children need a school environment where they are nurtured and safe; and

WHEREAS, Classified employees provide that environment: The bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 buses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; and the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents and staff and, most important, all children, receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet higher academic standards, as well as provide such specialized services as nursing and interpreting for children who are hearing impaired, children with disabilities, and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly 1 million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor classified school employees during Classified School Employee Week, March 12 through 16, 2007, and urge all citizens to join in honoring and recognizing their contribution to improving the quality of education for over 1 million children in our public schools; and

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BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the public school employees of Washington.

Senators McAuliffe and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed classified school employees of Washington who were seated in the gallery.

#### 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 14, 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 14, 2007.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5836, by Senators Fairley, Roach, Kline and Pridemore

Addressing the timing of accrual of property tax revenues.

#### MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5836 was substituted for Senate Bill No. 5836 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Fairley and Roach be adopted.

On page 3, after line 16, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW to read as follows:

Any first class city located in a county with a population of less than eighty thousand that is seeking to annex territory using the method of annexation provided for in RCW 35.13.130 through 35.13.160, or 35.13.410 through 35.13.450, must receive consent from the county legislative authority prior to enactment of an ordinance annexing the property. The county legislative authority cannot alter or change the boundaries

established and defined in the petition for annexation."

Renumber the remaining sections consecutively.

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Fairley and Roach on page 3, after line 16 to Substitute Senate Bill No. 5836.

The motion by Senator Hargrove carried and the 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 "the determination of boundaries for taxing districts; amending RCW 35.13.270, 35A.14.801, and 84.09.030; and adding a new section to chapter 35.13 RCW."

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5836 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. 5836.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5836 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5836, 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. 5659, by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline

Establishing family and medical leave insurance.

#### MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS.** The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of family care, children and family health, workforce stability, and economic security. In particular, the legislature finds that many individuals employed by employers with less than fifty employees do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits, including family and medical leave and disability benefits, meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child, and workers to care for seriously ill family members, regardless of the size of their employer; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for family members while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current existing state and federal family and medical leave laws.

**NEW SECTION. Sec. 2. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Average weekly wage" means the same as in RCW 50.04.355.

(3) "Calendar quarter" means the same as in RCW 50.04.050.

(4) "Child," "department," "director," "health care provider," "parent," "serious health condition," and "spouse" mean the same as in RCW 49.78.020.

(5) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(6) "Employment" has the meaning provided in RCW 50.04.100.

(7) "Family and medical leave" means leave for a family member's serious health condition and leave for the birth or placement of a child.

(8) "Family and medical leave insurance benefits" means the benefits payable under sections 6 and 7 of this act.

(9) "Family member" means a child, spouse or domestic partner, or the parent of the individual, or a person involved in a legal relationship governed by Title 26 RCW.

(10) "Federal family and medical leave act" means the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6).

(11) "Premium" or "premiums" means payments required by this chapter to be made to the department for the family and medical leave insurance account under section 20 of this act.

(12) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(13) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

**NEW SECTION. Sec. 3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.** (1) The department shall establish and administer a family and medical leave insurance program and pay family and medical leave insurance benefits as specified in this chapter.

(2) The department shall establish procedures and forms for filing claims for benefits under this chapter. The department shall notify the employer within five business days of a claim being filed under section 4 of this act.

(3) The department may require that a claim for benefits under this chapter be supported by a certification issued by the health care provider providing health care to the individual or individual's family member, as applicable.

(4) The department shall use information sharing and integration technology to facilitate the disclosure of relevant information or records by the employment security department, so long as an individual consents to the disclosure as required under section 4(4) of this act.

(5) Information contained in the files and records pertaining to an individual under this chapter are confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, the individual or an authorized representative of an individual may review the records or receive specific information from the records on the presentation of the signed authorization of the individual. An employer or the employer's duly authorized representative may review the records of an individual employed by the employer in connection with a pending claim. At the department's discretion, other persons may review records when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter.

(6) The department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive family and medical leave insurance benefits under this chapter are made aware of these benefits. Outreach information shall explain, in an easy to understand format, eligibility requirements, the claims process, weekly benefit amounts, maximum benefits payable, notice and medical certification requirements, reinstatement and nondiscrimination rights, confidentiality, and the relationship between employment protection, leave from employment, and wage replacement benefits under this chapter and other laws, collective bargaining agreements, and employer policies. Outreach information shall be available in English and other primary languages as defined in RCW 74.04.025.

**NEW SECTION. Sec. 4. ELIGIBILITY FOR BENEFITS.** Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family and medical leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the administration of this chapter. Further disclosure of this information or these records is subject to sections 3(4) and 14(2)(b) of this act;

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(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050;

(6) Documents that he or she has provided the employer from whom family and medical leave is to be taken with written notice of the individual's intention to take family and medical leave in the same manner as an employee is required to provide notice in RCW 49.78.250; and

(7) Authorizes the individual's health care provider or provides a document authorizing the family member's health care provider, as applicable, to disclose the individual's or family member's health care information in the form of the certification of a serious health condition. To be valid, the disclosure authorization must satisfy the requirements set forth in RCW 70.02.030.

**NEW SECTION. Sec. 5. DISQUALIFICATION FROM BENEFITS.** An individual is disqualified from family and medical leave insurance benefits beginning with the first day of the calendar week, and continuing for the next fifty-two consecutive weeks, in which the individual:

(1) Willfully made a false statement or misrepresentation regarding a material fact, or willfully failed to report a material fact, to obtain benefits under this chapter; or

(2) With respect to family and medical leave, is suffering from a serious health condition resulting from the individual's perpetration of a gross misdemeanor or felony.

**NEW SECTION. Sec. 6. DURATION OF BENEFITS.** (1) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave taken in an application year with respect to a particular type of family and medical leave, whether the first seven calendar days of family and medical leave are employer paid or unpaid.

(2)(a) The first payment of benefits must be made to an individual within two weeks after the claim is filed or the family and medical leave began, whichever is later, and subsequent payments must be made semimonthly thereafter.

(b) The payment of benefits under this chapter shall not be considered a binding determination of the obligations of the department under this chapter. The acceptance of compensation by the individual shall likewise not be considered a binding determination of his or her rights under this chapter. Whenever any payment of benefits under this chapter has been made and timely appeal therefrom has been made where the final decision is that the payment was improper, the individual shall repay it and recoupment may be made from any future payment due to the individual on any claim under this chapter. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(c) If an individual dies before he or she receives a payment of benefits, the payment shall be made to the surviving spouse, the child or children if there is no surviving spouse, or a person with whom the individual is involved in a relationship governed by Title 26 RCW. If there is no surviving spouse, child or children, or a person with whom the individual is involved in a relationship governed by Title 26 RCW, the payment shall be made by the department and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

**NEW SECTION. Sec. 7. AMOUNT OF BENEFITS.** The amount of family and medical leave insurance benefits shall be determined as follows:

(1) For weeks of family and medical leave beginning before July 1, 2010, the weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week. By June 30, 2010, and by each subsequent June 30th, the department shall calculate to the nearest dollar an adjusted maximum weekly benefit to account for inflation using

the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve completed calendar months before each June 30th as calculated by the United States department of labor. The adjusted maximum weekly benefit takes effect for weeks of family and medical leave beginning after the relevant June 30th.

(2) If an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the individual's weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family and medical leave taken in the week. Benefits are not payable for less than eight hours of family and medical leave taken in a week.

(3) For an individual who at the time of beginning family and medical leave was regularly working less than thirty-five hours per week, the department shall calculate a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable, with the prorated schedule based on the amounts and the calculations specified under subsections (1) and (2) of this section.

(4) If an individual discloses that he or she owes child support obligations under section 4 of this act and the department determines that the individual is eligible for benefits, the department shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.

(5) If the internal revenue service determines that family and medical leave insurance benefits under this chapter are subject to federal income tax and an individual elects to have federal income tax deducted and withheld from benefits, the department shall deduct and withhold the amount specified in the federal internal revenue code in a manner consistent with section 8 of this act.

**NEW SECTION. Sec. 8. FEDERAL INCOME TAX.** (1) If the internal revenue service determines that family and medical leave insurance benefits under this chapter are subject to federal income tax, the department must advise an individual filing a new claim for family and medical leave insurance benefits, at the time of filing such claim, that:

(a) The internal revenue service has determined that benefits are subject to federal income tax;

(b) Requirements exist pertaining to estimated tax payments;

(c) The individual may elect to have federal income tax deducted and withheld from the individual's payment of benefits at the amount specified in the federal internal revenue code; and

(d) The individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from benefits must remain in the family and medical leave insurance account until transferred to the federal taxing authority as a payment of income tax.

(3) The director shall follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of income tax.

**NEW SECTION. Sec. 9. ADJUSTMENT TO BENEFITS.** If family and medical leave insurance benefits are paid erroneously or as a result of willful misrepresentation, or if a claim for family and medical leave benefits is rejected after benefits are paid, RCW 51.32.240 shall apply, except that appeals are governed by section 15 of this act, penalties are paid into the family and medical leave insurance account, and the department shall seek repayment of benefits from the recipient.

**NEW SECTION. Sec. 10. LEAVE AND EMPLOYMENT PROTECTION.** (1) During a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this chapter, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.



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(2) Regardless of the number of employees employed by the employer, the individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual who has been employed for at least twelve months by the employer from whom family and medical leave is taken, and for at least one thousand two hundred fifty hours of service with the employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

**NEW SECTION. Sec. 11. EMPLOYMENT BY SAME EMPLOYER.** If spouses or people involved in a legal relationship governed by Title 26 RCW entitled to leave under this chapter are employed by the same employer, the employer may require that spouses or people involved in a legal relationship governed by Title 26 RCW not take such leave concurrently, if such leave is taken: (1) For the birth or placement of a child; or (2) for a parent's serious health condition.

**NEW SECTION. Sec. 12. ELECTIVE COVERAGE.** (1) An employer of individuals not covered by this chapter or a self-employed person, including a sole proprietor, partner, or joint venturer, may elect coverage under this chapter for all individuals in its employ for an initial period of not less than three years or a subsequent period of not less than one year immediately following another period of coverage. The employer or self-employed person must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(2) An employer or self-employed person who has elected coverage may withdraw from coverage within thirty days after the end of the three-year period of coverage, or at such other times as the director may prescribe by rule, by filing written notice with the director, such withdrawal to take effect not sooner than thirty days after filing the notice. Within five days of filing written notice of the withdrawal with the director, an employer must provide written notice of the withdrawal to all individuals in the employer's employ.

(3) The department may cancel elective coverage if the employer or self-employed person fails to make required payments or reports. The department may collect due and unpaid premiums and may levy an additional premium for the remainder of the period of coverage. The cancellation shall be effective no later than thirty days from the date of the notice in writing advising the employer or self-employed person of the cancellation. Within five days of receiving written notice of the cancellation from the director, an employer must provide written notice of the cancellation to all individuals in the employer's employ.

**NEW SECTION. Sec. 13. AMOUNT OF PREMIUMS.** (1) Beginning January 1, 2009, for each individual, each employer shall pay a premium of two cents per hour worked, up to a maximum of forty hours per week, to the department. Each employer shall deduct from the pay of each individual the full amount that the employer is required to pay for the individual.

(2) Payments shall be made in the manner and at such intervals as the department directs for deposit in the family and medical leave insurance account. In the payment of premiums, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) The director shall adjust the amount of the premium from time to time to ensure that the amount is the lowest rate necessary to pay family and medical leave insurance benefits and administrative costs, and maintain actuarial solvency in accordance with recognized insurance principles, of the family and medical leave insurance program on a current basis, and to

repay loaned funds from the supplemental pension fund, if any, as required in section 23 of this act.

**NEW SECTION. Sec. 14. REPORTING AND RECORDKEEPING.** (1) In the form and at the times specified by the director, an employer shall make reports, furnish information, and remit premiums as required by section 13 of this act to the department. If the employer is a temporary help company that provides employees on a temporary basis to its customers, the temporary help company is considered the employer for purposes of this section. However, if the temporary help company fails to remit the required premiums, the customer to whom the employees were provided is liable for paying the premiums.

(2)(a) An employer must keep at his or her place of business a record of employment from which the information needed by the department for purposes of this chapter may be obtained. This record shall at all times be open to the inspection of the director or department employees designated by the director.

(b) Information obtained from employer records under this chapter is confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, an interested party shall be supplied with information from employer records to the extent necessary for the proper presentation of the case in question. An employer may authorize inspection of its records by written consent.

(3) The requirements relating to the assessment and collection of family and medical leave insurance premiums are the same as the requirements relating to the assessment and collection of industrial insurance premiums under Title 51 RCW, including but not limited to penalties, interest, and department lien rights and collection remedies. These requirements apply to:

(a) An employer that fails under this chapter to make the required reports, or fails to remit the full amount of the premiums when due;

(b) An employer that willfully makes a false statement or misrepresentation regarding a material fact, or willfully fails to report a material fact, to avoid making the required reports or remitting the full amount of the premiums when due under this chapter;

(c) A public entity that engages in work or lets a contract for work, in the manner specified in RCW 51.12.050;

(d) A person, firm, or corporation who lets a contract for work, in the manner specified in RCW 51.12.070;

(e) A successor, as defined in RCW 51.08.177, in the manner specified in RCW 51.16.200; and

(f) An officer, member, manager, or other person having control or supervision of payment and/or reporting of family and medical leave insurance, or who is charged with the responsibility for the filing of returns, in the manner specified in RCW 51.48.055.

(4) Notwithstanding subsection (3) of this section, appeals are governed by section 15 of this act.

**NEW SECTION. Sec. 15. APPEALS.** (1) A person aggrieved by a decision of the department under this chapter must file a notice of appeal with the director, by mail or personally, within thirty days after the date on which a copy of the department's decision was communicated to the person. Upon receipt of the notice of appeal, the director shall request the assignment of an administrative law judge in accordance with chapter 34.05 RCW to conduct a hearing and issue a proposed decision and order. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(2) The administrative law judge's proposed decision and order shall be final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party petitions for review by the director. If the director's review is timely requested, the director may order additional evidence by the administrative law judge. On the basis of the evidence before the administrative law judge and such additional evidence as the director may order to be taken,

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the director shall render a decision affirming, modifying, or setting aside the administrative law judge's decision. The director's decision becomes final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party files a petition for judicial review as provided in chapter 34.05 RCW. The director is a party to any judicial action involving the director's decision and shall be represented in the action by the attorney general.

(3) If, upon administrative or judicial review, the final decision of the department is reversed or modified, the administrative law judge or the court in its discretion may award reasonable attorneys' fees and costs to the prevailing party. Attorneys' fees and costs owed by the department, if any, are payable from the family and medical leave insurance account.

**NEW SECTION. Sec. 16. PROHIBITED ACTS.** An employer, temporary help company, employment agency, employee organization, or other person may not discharge, expel, or otherwise discriminate against a person because he or she has filed or communicated to the employer an intent to file a claim, a complaint, or an appeal, or has testified or is about to testify or has assisted in any proceeding, under this chapter, at any time, including during the waiting period described in section 6 of this act and the period in which the person receives family and medical leave insurance benefits under this chapter. This section shall be enforced as provided in RCW 51.48.025.

**NEW SECTION. Sec. 17. COORDINATION WITH OTHER LAWS, AGREEMENTS, AND POLICIES.** (1) Employment protection under other laws. If an individual is entitled to employment protection under this chapter and under the federal family and medical leave act, chapter 49.78 RCW, or other applicable federal, state, or local law, the individual is entitled to employment protection under the other applicable law most favorable to the individual.

(2) Leave from employment under other laws. Except as provided in this subsection, if an individual is entitled to family and medical leave under this chapter and under the federal family and medical leave act, chapter 49.78 RCW, or other applicable federal, state, or local law, the employer may require that leave under this chapter be taken concurrently with leave under other applicable laws. The employer must give individuals in its employ written notice of this requirement. An individual may not increase the duration of his or her leave from employment by tacking on leave under this chapter to leave under other applicable laws. Leave from employment under this chapter is in addition to leave from employment during which benefits are paid or are payable under Title 51 RCW or other applicable federal or state industrial insurance laws.

(3) Wage replacement benefits under other laws. In any week in which an individual is earning waiting period credits or receiving benefits under chapter 7.68 RCW, Title 50 RCW, or Title 51 RCW, or other applicable federal or state crime victims' compensation, unemployment compensation, industrial insurance, or disability insurance laws, the individual is disqualified from receiving family leave insurance benefits under this chapter.

(4) Collective bargaining agreements and employer policies.

(a) This chapter does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater employment protection, leave from employment, or wage replacement benefits than under this chapter.

(b) An individual's rights to employment protection, leave from employment, and wage replacement benefits under this chapter may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this chapter is void as against public policy.

(c) If an employer provides wage replacement benefits to an individual while on family and medical leave through disability

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insurance or any other means, the individual may elect whether first to receive such benefits or receive family and medical leave insurance benefits under this chapter. An individual may not be required to receive the individual's wage replacement benefits, if any, before receiving family and medical leave insurance benefits under this chapter. In no case shall the individual's weekly benefit exceed the individual's average weekly wage.

**NEW SECTION. Sec. 18. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT.** This chapter does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this chapter at any time, and a benefit or other right granted under this chapter exists subject to the legislature's power to amend or repeal this chapter. There is no vested private right of any kind against such amendment or repeal.

**NEW SECTION. Sec. 19. RULES.** The director may adopt rules as necessary to implement this chapter. In adopting rules, the director shall maintain consistency with the rules adopted to implement the federal family and medical leave act, and chapter 49.78 RCW, to the extent such rules are not in conflict with this chapter.

**NEW SECTION. Sec. 20. ACCOUNT.** The family and medical leave insurance account is created in the custody of the state treasurer. All receipts from the premium imposed under section 13 of this act or the penalties imposed under section 14 of this act must be deposited in the account. Expenditures from the account may be used only for the purposes of the family and medical leave insurance program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments.

**NEW SECTION. Sec. 21. INVESTMENT OF FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT.** Whenever, in the judgment of the state investment board, there shall be in the family and medical leave insurance account funds in excess of that amount deemed by the state investment board to be sufficient to meet the current expenditures properly payable therefrom, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired with such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

**Sec. 22.** RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund,

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the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 23. LOANS.** If necessary to ensure that money is available in the family and medical leave insurance account for the initial administration of the family and medical leave insurance program and the payment of benefits under this act, the director of labor and industries may, from time to time before July 1, 2009, lend funds from the supplemental pension fund to the family and medical leave insurance account. These loaned funds may be expended solely for the purposes of administering the program and paying benefits under this act. The director of labor and industries shall repay the supplemental pension fund, plus its proportionate share of earnings from investment of moneys in the supplemental pension fund during the loan period, from the family and medical leave insurance account within two years of the date of the loan. This section expires October 1, 2011.

**Sec. 24.** RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. ~~((Said))~~ The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title and the loans therefrom authorized in section 23 of this act.

**NEW SECTION. Sec. 25. REPORTS TO THE LEGISLATURE.** Beginning September 1, 2010, the department shall report to the legislature by September 1st of each year on projected and actual program participation, premium rates, fund balances, and outreach efforts.

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**NEW SECTION. Sec. 26. SEVERABILITY.** 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.

**NEW SECTION. Sec. 27. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 28. CODIFICATION.** Sections 1 through 21 and 25 through 27 of this act constitute a new chapter in Title 49 RCW."

MOTION

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

On page 8, after line 18 insert, "(5) This section does not apply to individuals employed by an employer with 25 or fewer employees."

Senators Hargrove, Keiser and Benton spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Benton on page 8, line 18 to the striking amendment to Second Substitute Senate Bill No. 5659.

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

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer and Benton to the striking amendment be adopted.

On page 16, after line 32, insert the following:

**"NEW SECTION. Sec. 26. TAX CREDIT.** In computing the tax imposed under this chapter, a credit is allowed for businesses employing fifty or fewer persons who hire a worker to replace an employee who has taken family or medical leave under this chapter or chapter 49.78 RCW. The credit is one thousand two hundred dollars for each replacement employee hired. A tax credit claimed under this section may not be carried over to another year."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Kilmer 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 Kilmer and Benton on page 16, after line 32 to the striking amendment to Second Substitute Senate Bill No. 5659.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser, Brown and Kohl-Welles as amended to Second Substitute Senate Bill No. 5659.

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

MOTION

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

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On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 49 RCW; creating a new section; and providing an expiration date."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Brown, Kohl-Welles and Spanel spoke in favor of passage of the bill.

Senators Schoesler, Stevens, Clements, Holmquist and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5659.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Clements: "Thank you and I'll be brief. I think it's worth saying, just the tone and tenor of this body. In 1995 there was a very fine minority leader in the House, I think today's he's a judge. I don't know if he wears his cowboy boots under his robe or not. But there was a point where we're having a great debate and there was a fine representative from the thirty-fourth district and we were doing budget and he wanted something in the budget for a school lunch program or after school program. He was having great difficulty getting that appropriation. I rose on the floor and, I think the good Senator will remember, and we got that budget item but the minority leader said something to me that I'll never, ever forget. He said to me that in time when you're in the majority and you have great power and you do things that create great tension between both caucuses. There will be some, only some, that will go on and some won't forget or forgive and I think when we do legislation on this body, when we put ourselves in a position like that I always worry and I'm not saying this legislation does it but it is the type of thing that this Senator's always cautious of as I debate issues as long as I serve here. Thank you."

#### SECOND READING

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SENATE BILL NO. 5248, by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist

Preserving the viability of agricultural lands.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kilmer, Marr, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schoesler, Sheldon, Spanel, Stevens, Swecker and Zarelli - 32

Voting nay: Senators Eide, Fairley, Franklin, Fraser, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Pridemore, Regala, Rockefeller, Shin, Tom and Weinstein - 17

SUBSTITUTE SENATE BILL NO. 5248, 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. 5918, by Senators Fraser and Delvin

Revising retirement benefits for judges.

The measure was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5918 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5918.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5918 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer,

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Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5918, 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. 5923, by Senators Swecker, Jacobsen and Sheldon

Regarding aquatic invasive species enforcement and control.

#### MOTION

On motion of Senator Swecker, Second Substitute Senate Bill No. 5923 was substituted for Senate Bill No. 5923 and the second 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, Jacobsen and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.400 and 2005 c 464 s 5 are each amended to read as follows:

(1) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of zebra mussels and other aquatic invasive species; and

(b) By the department of fish and wildlife, to establish random check stations, ((in conjunction with the department of fish and wildlife)) to inspect recreational and commercial watercraft ((in areas of high boating activity)) as provided for in RCW 77.12.879(3).

(3) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

**Sec. 2.** RCW 77.12.879 and 2005 c 464 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in

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this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft ((trailers)) transportation equipment, and outboard motors ((at selected boat launching sites));

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by marine recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations on how to inspect recreational and commercial watercraft for the presence of zebra mussels and other aquatic invasive species. The department ((shall also cooperatively work with the Washington state patrol to set up random check stations to inspect watercraft at areas of high boating activity)) is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses watercraft or equipment that is contaminated with prohibited aquatic animal or plant species is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and watercraft forfeiture provided for under section 7 of this act, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department shall post signs warning vessel owners of the threat of aquatic invasive species, the penalties associated with introduction of a prohibited aquatic animal or plant species, and the proper contact information for obtaining a free inspection. The signs must be posted at all ports of entry to the state and at all boat launches owned or leased by the department. The signs should provide enough information for the public to discern whether the vessel has been operated in an area that would warrant the need for an inspection. The department shall include the same information on the department's internet site. In order to reduce the need for unnecessary inspections, the department may develop a process to assist the public in determining whether a vessel inspection is warranted via telephonic audio menu. The department shall consult with the state patrol and the department of transportation regarding proper placement and authorization for sign posting. The department must coordinate with the department of parks and recreation to include such information in all boating-related materials provided to the boating public. The department may coordinate with other states on inspection requirements and may determine when other state inspections meet Washington standards.

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(2) All port districts, privately or publicly owned marinas, state parks, and other state agencies or political subdivisions that own or lease a boat launch must display a sign as described under subsection (1) of this section. The department shall provide the signs to all port districts, privately or publicly owned marinas, state parks, and other state agencies managing boat launches. Signs must be posted in a location near the boat launch to provide maximum visibility to the public.

(3) The department or its designee shall provide an inspection of a watercraft to the person requesting the inspection. The department or its designee shall provide an inspection receipt verifying that the watercraft is not contaminated.

(4) The department shall provide training to all department employees that are deployed in the field to provide for efficient and timely response and inspections of recreational and commercial watercraft.

**Sec. 4.** RCW 77.15.253 and 2002 c 281 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful use of a prohibited aquatic animal species if he or she possesses, imports, purchases, sells, propagates, transports, or releases a prohibited aquatic animal species within the state, except as provided in this section.

(2) Unless otherwise prohibited by law, a person may:

(a) Transport prohibited aquatic animal species to the department, or to another destination designated by the director, in a manner designated by the director, for purposes of identifying a species or reporting the presence of a species;

(b) Possess a prohibited aquatic animal species if he or she is in the process of removing it from watercraft or equipment in a manner specified by the department;

(c) Release a prohibited aquatic animal species if the species was caught while fishing and it is being immediately returned to the water from which it came; or

(d) Possess, transport, or release a prohibited aquatic animal species as the commission may otherwise prescribe.

(3) Unlawful use of a prohibited aquatic animal species is a gross misdemeanor. A subsequent violation of subsection (1) of this section within five years is a class C felony.

(4) A person is guilty of unlawful release of a regulated aquatic animal species if he or she releases a regulated aquatic animal species into state waters, unless allowed by the commission.

(5) Unlawful release of a regulated aquatic animal species is a gross misdemeanor.

(6) A person is guilty of unlawful release of an unlisted aquatic animal species if he or she releases an unlisted aquatic animal species into state waters without requesting a commission designation under RCW 77.12.020.

(7) Unlawful release of an unlisted aquatic animal species is a gross misdemeanor.

(8) This section does not apply to:

(a) The transportation or release of organisms in ballast water;

(b) A person stopped at an aquatic invasive species check station who possesses watercraft or equipment that is contaminated with a prohibited, regulated, or unlisted aquatic animal species, if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(c) A person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department and has received a receipt verifying that the watercraft is not contaminated.

**Sec. 5.** RCW 77.15.290 and 2002 c 281 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or

movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by rule of the commission or director.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.

(5) Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(b) When legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;

(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(e) As the commission may otherwise prescribe.

(6) Unlawful transport of aquatic plants is a misdemeanor.

(7) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses watercraft or equipment that is contaminated with a prohibited aquatic animal or plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft is not contaminated.

**NEW SECTION. Sec. 6.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully avoiding aquatic invasive species check stations if the person fails to:

(a) Obey check station signs; or

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer.

(2) Unlawfully avoiding aquatic invasive species check stations is a gross misdemeanor.

**NEW SECTION. Sec. 7.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully introducing a prohibited aquatic animal species if the person fails to:

(a) Have a vessel inspected by state patrol officers or state fish and wildlife officers prior to launching the vessel in Washington waters; and

(b) The vessel is contaminated with an aquatic invasive species, as defined by the department.

(2) The penalty for unlawfully introducing a prohibited aquatic animal species may include forfeiture of the contaminated watercraft, under RCW 77.15.070.

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**NEW SECTION. Sec. 8.** A new section is added to chapter 77.12 RCW to read as follows:

The department shall develop a programmatic environmental impact statement to address the department's plan for treatment and immediate response to the introduction to Washington waters of a prohibited aquatic invasive species.

**Sec. 9.** RCW 77.120.010 and 2000 c 108 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) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment, boat, barge, or other floating craft.

(11) "Vessel" means a ~~((self-propelled))~~ ship ~~((in commerce))~~, boat, barge, or other floating craft of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, except those vessels described in RCW 77.120.020.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

**Sec. 10.** RCW 77.120.020 and 2000 c 108 s 3 are each amended to read as follows:

(1) This chapter applies to all vessels carrying ballast water into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section

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1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel ~~((+))~~ that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters ~~((; or (ii) that does not discharge ballast water in Washington waters)); and~~

(c) A vessel in innocent passage, merely traversing the ((internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada,)) territorial sea of the United States and not entering or departing a United States port, ((or a vessel in innocent passage, which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port,)) or not navigating the internal waters of the United States~~((; and~~

~~((d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state)), and that does not discharge ballast water into the waters of the state.~~

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

**Sec. 11.** RCW 77.120.030 and 2004 c 227 s 3 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

~~((1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040.))~~

(2) ~~((After July 1, 2007,))~~ Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department consistent with applicable state and federal laws. ~~((When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.~~

~~((3) Masters, owners, operators, or persons-in-charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel. Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.~~

~~((4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for the interim ballast water management report. The recommendations must include, but are not limited to:~~

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~~(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;~~

~~(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and~~

~~(c) The method, form, and content of reporting to be used for such reports;))~~

(3) The department, in consultation with the ballast water work group, or similar collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) If the master, operator, or person in charge of a vessel decides that the open sea exchange or treatment of ballast waters would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions, the master, operator, or person in charge of a vessel must chemically treat the ballast water prior to discharge to ensure that aquatic invasive species are destroyed. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) documenting the location of the discharge, chemical used to treat the ballast water, and amount of chemical applied; (d) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (e) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification ((that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007)), the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, and recommended chemicals for treatment and corresponding dose concentration levels to meet the intent of this section.

~~((6))~~ (7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

~~((7))~~ (8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

~~((8))~~ (9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

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**Sec. 12.** 2004 c 227 s 2 (uncodified) is amended to read as follows:

(1) The director of the department ~~((of fish and wildlife))~~ must establish the ballast water work group.

(2) The ballast water work group consists of the following individuals:

(a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;

(b) Two representatives from the Puget Sound steamship operators;

(c) Two representatives from the Columbia river steamship operators;

(d) Three representatives from the Washington public ports, one of whom must be a marine engineer;

(e) Two representatives from the petroleum transportation industry;

(f) One representative from the Puget Sound water quality action team;

(g) Two representatives from the environmental community;

(h) One representative of the shellfish industry;

(i) One representative of the tribes;

(j) One representative of maritime labor; ~~((and))~~

(k) One representative from the department ~~((of fish and wildlife));~~

~~(l) One representative from the department of ecology; and~~

~~(m) One representative from the cruise ship industry.~~

(3) The ballast water work group must ((study, and provide a report to the legislature by December 15, 2006, the following issues)) begin operation immediately upon the effective date of this section. The Puget Sound action team or its successor agency must provide staff for the ballast water work group from existing personnel within the action team. The ballast water work group must:

~~(a) ((All issues relating to ballast water technology, including exchange and treatment methods, management plans, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;~~

~~(b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement;~~

~~(c) The costs associated with, and possible funding methods for, implementing the ballast water program;~~

~~(d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;~~

~~(e) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;~~

~~(f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and~~

~~(g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.~~

(4) The ballast water work group must begin operation immediately upon the effective date of this section. The Puget Sound water quality action team must provide staff for the ballast water work group. The staff must come from existing personnel within the team)) Provide a report to the legislature by July 1, 2009, on the progress of the work group on the tasks listed in this section, and report on compliance with this act, and recommendations for improvements, if any, to the ballast water program;

(b) Work with the state of Oregon to develop a consistent, coordinated, and enforceable ballast water management program for the Columbia river that is acceptable to both states;



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(c) Advise the department as it develops a program to establish and maintain an inventory of introduced nonindigenous plants and animals in state waters in and adjacent to ports, harbors, oil transfer facilities, grain elevators, and other ship-berthing facilities and evaluate the effectiveness of the program and a program to assess vessel-specific risks;

(d) Help the department review the needs of the ballast water program, including research investments, and identify unmet needs, and work through the Puget Sound action team's and the department's internal budget development process to secure needed funds;

(e) Help the department develop and align the state program with national and regional ballast water management programs;

(f) Assist the department by developing a workable technical and financial assistance program to support the shipping industry to comply with state ballast water laws and rules;

(g) Work with the United States coast guard and the department of ecology to improve coordination and integration of vessel inspection procedures among agencies that board and inspect vessels and identify ways to minimize apparent duplication of effort, work more effectively with vessel masters and crew, and recommend changes to state law to streamline the program, if needed;

(h) Outline funding, policy, and program recommendations to support the state's management program;

(i) Coordinate, in association with the departments of fish and wildlife, ecology, and natural resources, the Puget Sound action team, the Washington invasive species council, and other interested parties, the development of a management approach for nonballast water ship vectors as a source of nonindigenous species such as ship hull fouling, sea chests and equipment, and vessels equipped with ballast tanks that carry no ballast onboard;

(j) Review and provide comment on proposed federal legislation, international and regional programs, and other policy arenas;

(k) Harmonize the state ballast water program with western coastal states, British Columbia, and Canada;

(l) Work with the department's science advisory panel to develop a science research plan and estimated costs to answer key research and management questions;

(m) Provide recommendations and technical information to assist the department in determining if and when it is necessary or advisable to adjust rules and guidance for the ballast water management program to achieve resource goals and objectives;

(n) Other responsibilities, as necessary.

~~((5))~~ (4) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.

~~((6)(a) The ballast water work group expires June 30, 2007.~~

~~(b) This section expires June 30, 2007.)~~

**Sec. 13.** RCW 77.120.070 and 2000 c 108 s 8 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) or (3) of this section.))~~ The department may establish by rule schedules for any penalty allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

(2) The director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under RCW 77.120.030 and 77.120.040. The penalty shall not exceed ~~((five))~~ twenty-seven thousand five hundred dollars for each day of a continuing violation. In determining the amount of a civil penalty, the department shall set standards by rule that consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and nature of risks created by the

violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

~~((2) The civil penalty for a violation of reporting requirements of RCW 77.120.040 shall not exceed five hundred dollars per violation.~~

~~(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.~~

~~((4))~~ (3) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.

**NEW SECTION. Sec. 14.** A new section is added to chapter 77.120 RCW to read as follows:

The department may assess a fee for any exemptions allowed under this chapter. Such a fee may not exceed five thousand dollars. The department may establish by rule schedules for any fee allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

**NEW SECTION. Sec. 15.** A new section is added to chapter 77.120 RCW to read as follows:

(1) The ballast water management account is created in the custody of the state treasurer. All receipts from legislative appropriations, gifts, grants, donations, penalties, and mitigation fees received under this chapter must be deposited into the account.

(2) The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used, in consultation with the ballast water work group created in section 12 of this act, only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

**NEW SECTION. Sec. 16.** A new section is added to chapter 77.120 RCW to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. Such testing and research shall be reviewed by the ballast water work group and the findings included in the report to the legislature referenced in section 12 of this act.

**Sec. 17.** RCW 90.48.020 and 2002 c 161 s 4 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

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Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life. "Pollution" shall not include emergency discharge of ballast water as provided under RCW 77.120.030(4).

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Whenever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they have the meaning prescribed under RCW 17.26.020.

Whenever the words "general sewer plan" are used in this chapter they shall be construed to include all sewerage general plans, sewer general comprehensive plans, plans for a system of sewerage, and other plans for sewer systems adopted by a local government entity including but not limited to cities, towns, public utility districts, and water-sewer districts.

**Sec. 18.** RCW 90.48.030 and 1987 c 109 s 123 are each amended to read as follows:

The department shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington. The department shall not have jurisdiction over, and this chapter shall not apply to, emergency discharge of ballast water as provided under RCW 77.120.030(4).

**NEW SECTION. Sec. 19.** Section 12 of this act is added to chapter 77.120 RCW.

**NEW SECTION. Sec. 20.** The following acts or parts of acts are each repealed:

- (1) RCW 77.120.060 (Report to legislature--Results of chapter) and 2002 c 282 s 4 & 2000 c 108 s 7;
- (2) RCW 77.120.080 (Legislative review of chapter--Recommendations) and 2000 c 108 s 9; and
- (3) RCW 77.120.090 (Ballast water information system--Improvements) and 2002 c 282 s 5."

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

#### MOTION

Senator Swecker moved that the following amendment by Senators Swecker, Jacobsen and Spanel to the striking amendment be adopted.

On page 11, on line 23, after "(4)" strike all material through "section" on page 12, line 2, and insert the following:

"(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master decides that the practice would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast

water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section"

On page 12, on line 14, after "plans" strike all material through "section" on line 16

On page 17, after line 23, strike all of sections 17 and 18

On page 19, on line 7, beginning with "On" strike all material through "penalties." on line 13 and insert:

"On page 1, line 2 of the title, after "control;" strike the remainder of the title and insert "amending RCW 43.43.400, 77.12.879, 77.15.253, 77.15.290, 77.120.010, 77.120.020, 77.120.030, and 77.120.070; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties."

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

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

Senator Hargrove spoke against 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 Swecker, Jacobsen and Spanel on page 11, line 23 to the striking amendment to Second Substitute Senate Bill No. 5923.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Jacobsen and Morton to Second Substitute Senate Bill No. 5923.

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 2 of the title, after "control;" strike the remainder of the title and insert "amending RCW 43.43.400, 77.12.879, 77.15.253, 77.15.290, 77.120.010, 77.120.020, 77.120.030, 77.120.070, 90.48.020, and 90.48.030; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5923 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Jacobsen 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. 5923.

#### ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5923 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Rasmussen: "Well, today we have the Navy leadership from Puget Sound in the capitol and in our gallery and so we're really proud certainly to support the Navy and all their endeavors. I also want to mention that the Navy band will be here and playing on the Capitol grounds so I would hope that we would all find some time to enjoy, if we get a break from our busy schedule today. I want to recognize the fine leadership of our Navy, Admiral French, and all our wonderful support from the Navy for our Puget Sound in the State of Washington."

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the United States Navy who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Secretary of State, Ralph Munro, who was seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Zarelli: "Thank you Mr. President. Well this is a special day for me, as well to honor Admiral French and his leadership team from the Puget Sound area down to the capitol. Being an eight-year veteran of the United States Navy myself, I wanted to share a few things that maybe many members of the Senate are not familiar with and that is that United States Navy is probably the most diverse branch of the military service that we have in this country. Many folks don't know that the Navy Seals are a lot of times the first into action. We think of special forces but, Mr. President, I would say that the Navy Seals are usually that special force that first go in to clear the area for the rest. The Navy Seabees build things. Bridges, buildings, roads—everything that you might see built. Whether it be transportation or other infrastructure, is usually accomplished by the Navy Seabees. Of course the Air Force, we all know that we have a branch of service called the Air Force but Mr. President but I would argue that the United States Navy indeed has the largest air force in the world in the form of combat jets that fly off those big beautiful cities called aircraft carriers. So these are a few things that I thought I would share with the members of the body today and also restate what an honor it is to have you, Admiral, and your leadership team and we thank you for all that you are doing in representing in the fine men and women who

are standing up and fighting for the United States of America. Thank you."

#### PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. First I'd like to thank the Admiral and staff and all who serve in our Armed Forces for the protection of our freedoms and, secondly, I'd like to mention that during the Heritage Caucus this morning at 7 a.m. or about 7:30 they made a presentation about one of the things they're doing in the Bremerton Yards is the preservation of historic buildings there and that was a very interesting presentation. I very much appreciate it. I'm sorry that most of you missed it. So, thank you."

#### PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. Well, I would like to add that I'm really pleased to have leadership from the Navy here today and what I want to say is thank you to the Navy. I happen to represent Whidby Island. Naval Station which, I think is the best Naval stations in this state and I can tell you that the men and women who are stationed on that base are true contributors to their community. There isn't a school or any other activity that goes on within the whole Whidby Island area that there not people from that base out supporting. They're extraordinary, good citizens and I think we are so fortunate to have a very large military presence in the State of Washington and I am truly privileged to represent, I think, the most outstanding Whidby Island Naval Base."

#### PERSONAL PRIVILEGE

Senator Rockefeller: "Mr. President, I would like to join the adulates that are being extended by other members. As a legislator from Kitsap, I especially appreciate the fact that the Navy is a wonderful neighbor to our community and in fact constitute a significant part of our community and we respect them. We value them. We applaud their service to our country and we value each and every member of the service and the many civilians who make this a very fundamental part of the Kitsap County economy and our national security so we thank you for that."

#### PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I had the opportunity to visit with many of the officers who are visiting us today and I found them to be very thoughtful and sensitive to the communities they serve. Very professional and I'm so pleased that they have a chance to visit the legislature today."

#### PERSONAL PRIVILEGE

Senator McCaslin: "It's an honor to see you folks. My father served in World War I in the Navy. My older brother served in World War II in the Navy and I served in the World War II as a Navy radioman second class. I never saw too many of you folks. Most of the people I associated with, they had the two stripes on their shirt. I forgot what they called it. I do remember the thirteen buttons and I don't know if ever you folks there went through the thirteen buttons but that was work all day long. I didn't need it as much as I do now but it's an honor to see you and it's an honor your serving our country. I salute you all. Thank you."

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## SECOND READING

SENATE BILL NO. 6016, by Senators Regala and Kohl-Welles

Concerning good cause reasons for failure to participate in WorkFirst program components.

## MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 6016 was substituted for Senate Bill No. 6016 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Second Substitute Senate Bill No. 6016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala 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. 6016.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 2; Excused, 0.

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

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

Absent: Senators Brown and Kline - 2

SECOND SUBSTITUTE SENATE BILL NO. 6016, 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. 6032, by Senators Kohl-Welles, McCaslin, Kline, Regala and Keiser

Concerning the medical use of marijuana.

## MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6032 was substituted for Senate Bill No. 6032 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Keiser, Carrell and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to clarify the law on medical marijuana so that the lawful use of this

substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

**Sec. 2.** RCW 69.51A.005 and 1999 c 2 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, ~~((would))~~ may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as ~~((primary caregivers))~~ designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

**Sec. 3.** RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read as follows:

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

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter; and

(c) Is the designated provider to only one patient at any one time.

(2) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

~~((2))~~ "Primary caregiver" means a person who:

(a) Is eighteen years of age or older;

(b) Is responsible for the housing, health, or care of the patient;

(c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter.)

(3) "Production" means the manufacturing, planting, cultivating, growing, harvesting, and other steps reasonably related to the provision of medical marijuana individually by one patient, or by or with the assistance of his or her designated provider, for the exclusive benefit of the qualifying patient in the treatment of terminal or debilitating medical conditions.

(a) By January 1, 2008, the department of health shall adopt rules defining the presumptive quantity of marijuana that could reasonably be said to be a sixty-day supply for any qualifying patient; this presumption may be overcome with evidence of the qualifying patient's necessary medical use.

(b) As used in this chapter, "sixty-day supply" means that amount of marijuana that a qualifying patient would reasonably

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be expected to need over a period of sixty days for his or her personal medical use.

(c) By July 1, 2008, the department of health shall make recommendations to the legislature addressing the efficient provision of access to an adequate, safe, consistent, and secure source of medical marijuana for qualifying patients. Recommendations may be based on but not limited to a review of available medical and scientific literature, consultation with experts, surveys of other states' best practices, and public input.

(4) "Qualifying patient" means a person who:  
(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

~~((+))~~ (5) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

~~((5))~~ (6) "Valid documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the ~~((potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying))~~ patient may benefit from the medical use of marijuana; ~~((and))~~

(b) Proof of identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035; and

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.

**Sec. 4.** RCW 69.51A.030 and 1999 c 2 s 4 are each amended to read as follows:

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the ~~((potential benefits of the))~~ medical use of marijuana ~~((would likely outweigh the health risks for the))~~ may benefit a particular qualifying patient.

**Sec. 5.** RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read as follows:

(1) If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

(2) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated ~~((primary caregiver))~~ provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

~~((2) The))~~ (3) A qualifying patient, if eighteen years of age or older, or a designated provider shall:

(a) Meet all criteria for status as a qualifying patient or designated provider;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

~~((3) The))~~ (4) A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall ~~((comply))~~ demonstrate compliance with subsection ~~((2))~~ (3)(a) and (c) of this section. However, any possession under subsection ~~((2))~~ (3)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

~~((4) The designated primary caregiver shall:~~

~~((a) Meet all criteria for status as a primary caregiver to a qualifying patient;~~

~~((b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;~~

~~((c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;~~

~~((d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and~~

~~((e) Be the primary caregiver to only one patient at any one time.))~~

**Sec. 6.** RCW 69.51A.060 and 1999 c 2 s 8 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

(3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, ~~((or))~~ in any youth center, or in any correctional facility.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for

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the purpose of having it accepted as, valid documentation under RCW 69.51A.010((5)) (6)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

Sec. 7. RCW 69.51A.070 and 1999 c 2 s 9 are each amended to read as follows:

The Washington state medical quality assurance ((~~board~~ ~~commission~~)) commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted ((~~by physicians or patients~~)) to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance ((~~board~~ ~~commission~~)) commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance ((~~board~~ ~~commission~~)) commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review."

Senators Kohl-Welles and Carrell 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 Kohl-Welles, Keiser, Carrell and Pflug to Substitute Senate Bill No. 6032.

The motion by Senator Kohl-Welles 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 "marijuana;" strike the remainder of the title and insert "amending RCW 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.060, and 69.51A.070; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Pflug and McCaslin 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. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

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

Tom and Weinstein - 39

Voting nay: Senators Clements, Hargrove, Hewitt, Holmquist, Honeyford, Kauffman, Morton, Schoesler, Swecker and Zarelli - 10

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Today is Autism day in Olympia and I just wanted everyone to be aware that children and people with Autism or have loved ones with Autism will be here and will be in the Rotunda with a proclamation from the Governor. So, I want you to welcome them and please acknowledge that today is Autism day."

MOTION

At 11:30 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:11 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 13, 2007

MR PRESIDENT:

The House has passed the following bills:  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001,  
ENGROSSED HOUSE BILL NO. 1214,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,  
ENGROSSED HOUSE BILL NO. 1471,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1733,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2212,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2007

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1139,  
HOUSE BILL NO. 1383,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1825,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,  
SUBSTITUTE HOUSE BILL NO. 2118,  
SUBSTITUTE HOUSE BILL NO. 2130,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,

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and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2007

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,  
ENGROSSED HOUSE BILL NO. 1688,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,  
SUBSTITUTE HOUSE BILL NO. 1897,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910,  
SUBSTITUTE HOUSE BILL NO. 2008,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,  
ENGROSSED HOUSE BILL NO. 2113,  
SUBSTITUTE HOUSE BILL NO. 2158,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,  
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2007

MR. PRESIDENT:

The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 1267,  
HOUSE BILL NO. 1376,  
SECOND SUBSTITUTE HOUSE BILL NO. 1488,  
SUBSTITUTE HOUSE BILL NO. 1891,  
SECOND SUBSTITUTE HOUSE BILL NO. 1980,  
SUBSTITUTE HOUSE BILL NO. 2087,  
SUBSTITUTE HOUSE BILL NO. 2338,  
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.

SECOND READING

SENATE BILL NO. 6053, by Senators Spanel, Jacobsen, Haugen, Hargrove, Hatfield, Morton, Murray, Fairley and Kohl-Welles

Regarding the management of the state's food fish and shellfish resources. Revised for 1st Substitute: Creating a legislative task force on the structure of the department of fish and wildlife.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6053 was substituted for Senate Bill No. 6053 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel, 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 Substitute Senate Bill No. 6053.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6053, 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. 5389, by Senator Hewitt

Approving the importing of one simulcast race of regional or national interest on horse race days.

The measure was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

POINT OF ORDER

Senator Hargrove: "I'd like to ask whether this bill requires a sixty percent vote for expanding gambling?"

RULING BY THE PRESIDENT

President Owen: "Senator Hargrove, this bill provides a new opportunity to gamble that is not in existent today therefore, it would take a sixty percent vote."

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

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

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Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Carrell, Fairley, Hargrove, Haugen, McAuliffe, Prentice, Stevens and Swecker - 8

Absent: Senator Kline - 1

SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6141, by Senators Jacobsen and Morton

Expanding provisions affecting forest health. Revised for 1st Substitute: Regarding forest health.

#### MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6141 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 Substitute Senate Bill No. 6141.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6059, by Senators Carrell, Kline and Roach

Allowing attorneys to recover actual costs for service of process.

The measure was read the second time.

#### MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Weinstein 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. 6059.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6059, 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. 5554, by Senators McAuliffe, Clements and Kohl-Welles

Concerning self-service storage facilities.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5554 was substituted for Senate Bill No. 5554 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe 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. 5554.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Brown - 1



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SUBSTITUTE SENATE BILL NO. 5554, 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. 5585, by Senators Tom, Keiser, Weinstein, Oemig, Kohl-Welles, Marr, Fraser, Prentice and Franklin

Concerning parent and child health services provided by the department of health.

#### MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5585 was substituted for Senate Bill No. 5585 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. 5585 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.

#### MOTION

On motion of Senator Regala, Senator Brown was excused.

Senators Pflug, Zarelli and Parlette spoke against passage of the bill.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5585.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5585 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

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

SUBSTITUTE SENATE BILL NO. 5585, 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. 5619, by Senators Pflug, Keiser, Parlette, Marr, Weinstein, Fairley, Kastama, Kline and Kohl-Welles

Revising the standards for informed consent to health care. Revised for 1st Substitute: Addressing unwarranted variation in health care.

#### MOTIONS

On motion of Senator Pflug, Substitute Senate Bill No. 5619 was substituted for Senate Bill No. 5619 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pflug, the rules were suspended, Substitute Senate Bill No. 5619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5619.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5619 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5619, 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. 5723, by Senators Rasmussen, Clements, Hatfield, Roach, Shin, Morton, Kline, Schoesler, Haugen, Sheldon, Hargrove, Kohl-Welles, Fairley, Honeyford, Franklin, Keiser, Berkey, Kauffman, Kilmer, Jacobsen, Kastama, Benton, Zarelli and Parlette

Creating and funding the community agricultural worker safety grant program.

The measure was read the second time.

#### MOTION

Senator Rasmussen moved that the following striking amendment by Senators Rasmussen and Clements be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that agricultural workers are challenged not only in finding full-time, year-round work, but also face difficulties in upgrading their agricultural skills. The legislature also finds that the agricultural industry's demand for skilled workers far outnumbers the current supply. In addition, the legislature finds that despite recent advances in the safety of agricultural production, additional training of agricultural workers should assist the agricultural sector in ongoing efforts to reduce occupational injuries.

**NEW SECTION. Sec. 2.** A new section is added to chapter 15.04 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall administer the community agricultural worker safety grant program, to be implemented by the 501(c)(3) nonprofit opportunities industrialization center of

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Washington. As grant recipient, the center shall work with the agricultural industry to provide practical, hands-on training for the state's agricultural workers in tractor and farm machinery skills and safety, pesticide training, adult basic skills, civics, English as a second language, commercial drivers' licensing, and other related topics. The grant recipient may receive up to two hundred fifty thousand dollars per year.

**NEW SECTION. Sec. 3.** 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.

**NEW SECTION. Sec. 4.** This act expires July 1, 2012."

Senators Rasmussen and Clements 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 Rasmussen and Clements to Senate Bill No. 5723.

The motion by Senator Rasmussen 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 "program;" strike the remainder of the title and insert "adding a new section to chapter 15.04 RCW; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5723.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5723, 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. 5869, by Senators Kline, Fairley, Franklin and Keiser

Monitoring personal information collected by state agencies.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5869 was substituted for Senate Bill No. 5869 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5869.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5869, 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. 5551, by Senators Prentice, Kohl-Welles, Clements and Rasmussen

Enhancing enforcement of liquor and tobacco laws.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Clements 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. 5551.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

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Absent: Senator Benton - 1

SENATE BILL NO. 5551, 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. 5927, by Senator Delvin

Regarding nondisclosure of certain information of gambling commission licensees.

The measure was read the second time.

#### MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 5927 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.

#### MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5927.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5927 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5972, by Senators Morton, Jacobsen, Swecker, Rockefeller, Poulsen, Rasmussen, Hargrove and Shin

Providing the department of natural resources with more consistent enforcement authority for protection against mining without a permit.

#### MOTIONS

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

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

Senators 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 Substitute Senate Bill No. 5972.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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

#### SECOND READING

SENATE BILL NO. 6100, by Senators Kline and Brandland

Limiting the use of charitable donations in charging decisions.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6100 was substituted for Senate Bill No. 6100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline 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. 6100.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Zarelli, moved that the Senate advanced to the ninth order of business for the purpose of reconsidering the vote by which Engrossed Senate Joint Resolution No. 8207 failed to pass.

MOTION

At 2:40 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 3:10 p.m. by President Owen.

MOTION

At 3:12 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, March 15, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

Second Reading .....	6	Messages .....	22
1001-S3 .....	6	1488-S2 .....	22
Messages .....	22	Messages .....	23
1002-S .....	2	1497-S .....	2
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	2
1009-S2 .....	2	1506-S2 .....	2
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	2
1139-S .....	22	1513-S .....	2
Messages .....	22	Introduction & 1st Reading .....	2
1151-S .....	2	1525 .....	3
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	3
1179-S .....	2	1549 .....	3
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	3
1214 .....	22	1583-S .....	3
Messages .....	22	Introduction & 1st Reading .....	3
1249-S .....	23	1595-S2 .....	3
Messages .....	23	Introduction & 1st Reading .....	3
1267-S .....	23	1624-S .....	3
Messages .....	23	Introduction & 1st Reading .....	3
1289-S .....	23	1637-S .....	3
Messages .....	23	Introduction & 1st Reading .....	3
1307-S .....	2	1649-S .....	3
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	3
1376 .....	23	1651-S .....	3
Messages .....	23	Introduction & 1st Reading .....	3
1383 .....	22	1654-S .....	3
Messages .....	22	Introduction & 1st Reading .....	3
1407-S .....	2	1688 .....	23
Introduction & 1st Reading .....	2	Messages .....	23
1414-S .....	23	1741-S .....	3
Messages .....	23	Introduction & 1st Reading .....	3
1426-S .....	22	1746 .....	3
Messages .....	22	Introduction & 1st Reading .....	3
1432-S2 .....	2	1761-S .....	4
Introduction & 1st Reading .....	2	Introduction & 1st Reading .....	4
1471 .....		1779-S2 .....	4
		Introduction & 1st Reading .....	4

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Messages	22	5248	
1802-S		Second Reading	12
Introduction & 1st Reading	4	5248-S	
1809-S		Second Reading	12
Messages	23	Third Reading Final Passage	12
1825-S2		5389	
Messages	22	Second Reading	23
1833-S		Third Reading Final Passage	23
Messages	22	5551	
1843-S		Second Reading	26
Introduction & 1st Reading	4	Third Reading Final Passage	26
1858-S		5554	
Messages	23	Second Reading	24
1876-S		5554-S	
Introduction & 1st Reading	4	Second Reading	24
1891-S		Third Reading Final Passage	25
Messages	23	5585	
1892-S		Second Reading	25
Introduction & 1st Reading	4	5585-S	
1897-S		Second Reading	25
Messages	23	Third Reading Final Passage	25
1898		5619	
Introduction & 1st Reading	4	Second Reading	25
1910-S2		5619-S	
Messages	23	Second Reading	25
1916-S		Third Reading Final Passage	25
Introduction & 1st Reading	4	5659	
1980-S		Second Reading	6
Messages	23	5659-S2	
1981-S		Other Action	11
Messages	22	Second Reading	6, 7, 11
2008-S		Third Reading Final Passage	12
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2082-S2		Third Reading Final Passage	26
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2087-S		Second Reading	6
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2113		Second Reading	6
Messages	23	Third Reading Final Passage	6
2118-S		5869	
Messages	22	Second Reading	26
2130-S		5869-S	
Messages	22	Second Reading	26
2152		Third Reading Final Passage	26
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2158-S		Second Reading	12
Messages	23	Third Reading Final Passage	12
2164-S		5923	
Messages	23	Second Reading	13
2176-S2		5923-S2	
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2246-S		Third Reading Final Passage	27
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2256-S2		Second Reading	27
Introduction & 1st Reading	5	5972-S	
2327-S2		Second Reading	27
Introduction & 1st Reading	5	Third Reading Final Passage	27
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2352-S		6016-S2	
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Second Reading	24
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