

**EIGHTY-SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, April 3, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Kline, Pflug, Spanel and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Elana Cortesi and Richard Goetz, presented the Colors. Senator Shin offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

March 14, 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.

BETH THEW, reappointed March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

**MOTION**

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MESSAGES FROM THE STATE OFFICES**

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Wheat Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Wheat Commission Audit Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Barley Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Barley Commission Audit Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Center for Information Services Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Center for Information Services Audit Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Indeterminate Sentence Review Board Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Indeterminate Sentence Review Board Audit Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

March 30, 2007

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Wheat Commission Financial Statement Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,  
Brian Sonntag, State Auditor  
The Washington State Wheat Commission Financial Statement Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Barley Commission Financial Statements Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,  
Brian Sonntag, State Auditor  
The Washington State Barley Commission Financial Statements Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6171 by Senator McCaslin

AN ACT Relating to manufactured housing community development in rural areas; amending RCW 36.70A.030 and 36.70A.070; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9240, Jean-Luc Devis, as Director of the Department of Printing, be confirmed.

Senator Fairley spoke in favor of the motion.

MOTION

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

APPOINTMENT OF JEAN-LUC DEVIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9240, Jean-Luc Devis as a Director of the Department of Printing.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9240, Jean-Luc Devis as a Director of the Department of Printing and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

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

Absent: Senators Brown, Kline and Spanel - 3

Excused: Senators Benton, Pflug and Swecker - 3

Gubernatorial Appointment No. 9240, Jean-Luc Devis, having received the constitutional majority was declared confirmed as Director of the Department of Printing.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9236, Patricia Shea, and Gubernatorial Appointment No. 9102, Donald Cox as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17, be confirmed.

Senator Schoesler spoke in favor of the motion.

MOTION

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

APPOINTMENT OF PATRICIA SHEA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9236, Patricia Shea and Gubernatorial Appointment No. 9102, Donald

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Cox as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9236, Patricia Shea as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Benton, Brown, Kline, Pflug, Spanel and Swecker - 6

#### APPOINTMENT OF DONALD COX

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9102, Donald Cox as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Benton, Brown, Kline, Pflug, Spanel and Swecker - 6

Gubernatorial Appointment No. 9236, Patricia Shea and Gubernatorial Appointment No. 9102, Donald Cox, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9018, Roger Erskine; Gubernatorial Appointment No. 9048, Dora Noble; Gubernatorial Appointment No. 9073, Yvonne Ullas; Gubernatorial Appointment No. 9094, June Canty and Gubernatorial Appointment No. 9111, Shannon Espinoza as members of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

#### APPOINTMENT OF ROGER ERSKINE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9018, Roger Erskine; Gubernatorial Appointment No. 9048, Dora Noble; Gubernatorial Appointment No. 9073, Yvonne Ullas; Gubernatorial Appointment No. 9094, June Canty and Gubernatorial Appointment No. 9111, Shannon Espinoza; as members of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9018, Roger Erskine as a

member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

#### APPOINTMENT OF DORA NOBLE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9048, Dora Noble as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

#### APPOINTMENT OF YVONNE ULLAS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9073, Yvonne Ullas as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

#### APPOINTMENT OF JUNE CANTY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9094, June Canty as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

#### APPOINTMENT OF SHANNON ESPINOZA

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The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9111, Shannon Espinoza as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

Gubernatorial Appointment No. 9018, Roger Erskine; Gubernatorial Appointment No. 9048, Dora Noble; Gubernatorial Appointment No. 9073, Yvonne Ullas; Gubernatorial Appointment No. 9094, June Canty and Gubernatorial Appointment No. 9111, Shannon Espinoza having received the constitutional majority were declared confirmed as members of the Professional Educator Standards Board.

## SECOND READING

### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9160, Sharon Okamoto; Gubernatorial Appointment No. 9176, Stephen Rushing; Gubernatorial Appointment No. 9187, Jill Van Glubt; Gubernatorial Appointment No. 9197, Donna Zickuhr; and Gubernatorial Appointment No. 9243, Grant Pelesky as members of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

#### APPOINTMENT OF SHARON OKAMOTO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9160, Sharon Okamoto; Gubernatorial Appointment No. 9176, Stephen Rushing; Gubernatorial Appointment No. 9187, Jill Van Glubt; Gubernatorial Appointment No. 9197, Donna Zickuhr and Gubernatorial Appointment No. 9243, Grant Pelesky as members of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9160, Sharon Okamoto as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

#### APPOINTMENT OF STEPHEN RUSHING

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9176, Stephen Rushing as a

member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

#### APPOINTMENT OF JILL VAN GLUBT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9187, Jill Van Glubt as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

#### APPOINTMENT OF DONNA ZICKUHR

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9197, Donna Zickuhr as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

#### APPOINTMENT OF GRANT PELESKY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9243, Grant Pelesky as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:  
Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

Gubernatorial Appointment No. 9160, Sharon Okamoto; Gubernatorial Appointment No. 9176, Stephen Rushing; Gubernatorial Appointment No. 9187, Jill Van Glubt; Gubernatorial Appointment No. 9197, Donna Zickuhr; and Gubernatorial Appointment No. 9243, Grant Pelesky having

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received the constitutional majority were declared confirmed as members of the Professional Educator Standards Board.

#### SECOND READING

HOUSE BILL NO. 1000, by Representatives Kessler, Kagi, Wallace, Moeller, B. Sullivan, Wood, Warnick and Ormsby

Adding porphyria to the list of disabilities for special parking privileges.

The measure was read the second time.

#### MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1000.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1000 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

HOUSE BILL NO. 1000, 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

SUBSTITUTE HOUSE BILL NO. 1082, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Takko, Curtis, VanDeWege, Hunt, Eickmeyer, Pettigrew, Morrell, Springer, Flannigan and Simpson)

Requiring that certain shellfish and seaweed harvest license be available for inspection.

The measure was read the second time.

#### MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.520 and 2004 c 248 s 1 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish, including razor clams, for personal use from state waters or offshore waters including national park beaches.

(2) A razor clam license allows a person to harvest only razor clams for personal use from state waters, including national park beaches.

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(3) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(4) The fee for an annual razor clam license is five dollars and fifty cents for residents and eleven dollars for nonresidents.

(5) The fee for a three-day razor clam license is three dollars and fifty cents for both residents and nonresidents.

(6) A personal use shellfish and seaweed license or razor clam license must be ~~((visible on the licensee))~~ in immediate possession of the licensee and available for inspection while a licensee is harvesting shellfish or seaweed. However, the license does not need to be visible at all times.

**NEW SECTION. Sec. 2.** The department of fish and wildlife shall monitor the sale of personal use shellfish and seaweed licenses and razor clam licenses for four years from the effective date of this act. If in any of the four years the number of license sales drop more than ten percent from the effective date of this act, then the department of fish and wildlife shall report the sales and revenue data for the licenses along with any relevant information regarding the reasons for the decrease to the legislature."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1082.

The motion by Senator Jacobsen carried and the committee 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 "seaweed;" strike the remainder of the title and insert "amending RCW 77.32.520; and creating a new section."

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1082 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1082 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1082 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

SUBSTITUTE HOUSE BILL NO. 1082 as amended by the Senate, having received the constitutional majority, was

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declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Kohl-Welles, Clements, Keiser and Parlette

Addressing liquor laws.

#### MOTION

On motion of Senator Kohl-Welles, Substitute Senate Concurrent Resolution No. 8407 was substituted for Senate Concurrent Resolution No. 8407 and the substitute resolution was placed on the second reading and read the second time.

#### MOTION

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

On page 2, beginning on line 6, strike all material through "Representatives;" on line 11 and insert the following:

"BE IT FURTHER RESOLVED, That the leaders of the two largest caucuses in the Senate shall each appoint two members of their respective caucuses to the committee; and

BE IT FURTHER RESOLVED, That the leaders of the two largest caucuses in the House of Representatives shall each appoint two members of their respective caucuses to the committee;"

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

Senators Hewitt and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 2, line 6 to Substitute Senate Concurrent Resolution No. 8407.

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

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Kohl-Welles, Hargrove and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8407.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8407 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

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Excused: Senators Kline and Swecker - 2

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407, having received the constitutional majority, was declared passed.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1261, by House Committee on Appropriations (originally sponsored by Representatives Crouse, Fromhold, Conway, Kenney, Ericks, Simpson, McDonald, Moeller, Campbell and Pearson)

Purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1261.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Hargrove - 1

Excused: Senators Kline and Swecker - 2

SUBSTITUTE HOUSE BILL NO. 1261, 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

HOUSE BILL NO. 1349, by Representatives Condotta and Wood

Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1349.

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## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1349 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Kline and Swecker - 2

HOUSE BILL NO. 1349, 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

HOUSE BILL NO. 1793, by Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller

Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.

The measure was read the second time.

## MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1793 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.

The President declared the question before the Senate to be the final passage of House Bill No. 1793.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1793 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Swecker - 1

HOUSE BILL NO. 1793, 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

HOUSE BILL NO. 1940, by Representatives Schindler, Simpson, Crouse, McCune, Dunn, Moeller and Ormsby

Requiring state agencies to notify local governments of proposed land dispositions.

The measure was read the second time.

## MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1940 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 House Bill No. 1940.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1940 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Swecker - 1

HOUSE BILL NO. 1940, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024, by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darneille, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby)

Phasing out the use of polybrominated diphenyl ethers.

The measure was read the second time.

## MOTION

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

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

"(8) "Meets applicable fire safety standards" means:

(a) That an identified alternative product that does not contain deca-bde will meet applicable fire safety standards for such a product; or

(b) If fire safety standards have not yet been established for an identified alternative product, that the identified alternative product will provide protection from fire that is substantially equivalent to the product containing deca-bde."

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

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 26 to Engrossed Substitute House Bill No. 1024.

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

MOTION

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

On page 3, line 12 after "that" insert "does not include melamine and"

Senator Carrell spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 3, line 12 to Engrossed Substitute House Bill No. 1024.

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

MOTION

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

On page 4, beginning on line 3, strike all of subsections (6) and (7)

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

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, line 3 to Engrossed Substitute House Bill No. 1024.

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

MOTION

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

On page 4, beginning on line 22, after "Sec. 4." strike all of subsection (1)

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

On page 4, line 30, after "deca-bde" insert ", or any mattress containing commercial deca-bde"

Senator Delvin spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 4, line 22 to Engrossed Substitute House Bill No. 1024.

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

MOTION

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

On page 5, line 9, after "standards" insert "and provides a level of ignition resistance equivalent to or greater than that provided by deca-bde"

Senator Morton spoke in favor of adoption of the

amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 5, line 9 to Engrossed Substitute House Bill No. 1024.

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

MOTION

Senator Honeyford moved that the following amendment by Senators Holmquist and Honeyford be adopted.

On page 8, after line 33, insert the following:

"Sec. 13. RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. The board, after consulting with the chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection, in accordance with the policies, objectives, and priorities of the fire protection policy board, shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection, shall implement and administer, within constraints established by budgeted resources, the policies, objectives, and priorities of the board and all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW (~~(43.63A.320)~~) 43.43.934. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

(7) By December 31, 2007, the director of fire protection must adopt by rule:

(a) A fire safety standard for upholstered furniture that is substantially the same as the provisions of the 2002 draft revised technical bulletin, CAL 117+, for "Requirements, Test Procedure and Apparatus for Testing the Flame and Smolder Resistance of Upholstered Furniture," published by the state of California, department of consumer affairs, bureau of home furnishings and thermal insulation;

(b) A fire safety standard for electronic equipment within the field of audio/video information technology and communication technology that is substantially the same as the provisions of the international electrotechnical commission's document entitled



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"IEC 62368-f3 Ed 1.0: Audio/Video, Information and Communication Technology Equipment - Safety Requirements" (circulation date December 15, 2006), which incorporates external ignition protection as specified in the technical specification (IEC TS62441), published December 2006."

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

On page 1, line 2 of the title, after "ethers" insert "amending RCW 43.43.938;"

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

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Honeyford on page 8, after line 33 to Engrossed Substitute House Bill No. 1024.

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

#### MOTION

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

Strike everything after the enacting clause and insert the following:

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

(1) "Commercial decabromo diphenyl ether" or "commercial deca-bde" means the chemical mixture of decabromo diphenyl ether, including associated polybrominated diphenyl ether impurities not intentionally added.

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

(3) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(4) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer who:

(a) Adds a private label brand or cobrands a product for sale; or

(b) Assembles components to create a single noncombustible product based on an individual consumer preference.

(5) "Mattress" has the same meaning as defined by the United States consumer product safety commission in 16 C.F.R. Part 1633 (2007) as it existed on the effective date of this act, and includes mattress pads, mattress sets, box springs, futons, crib mattresses, and youth mattresses.

(6) "Medical device" means an instrument, machine, implant, or diagnostic test used to help diagnose a disease or other condition or to cure, treat, or prevent disease.

(7) "Polybrominated diphenyl ethers" or "PBDEs" means chemical forms that consist of diphenyl ethers bound with bromine atoms. "Polybrominated diphenyl ethers" include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde), octabromo diphenyl ether (octa-bde), and decabromo diphenyl ether (deca-bde).

(8) "Residential upholstered furniture" means residential seating products intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials, if the resilient cushioning materials are sold with the item of

upholstered furniture and the upholstered furniture is constructed with a contiguous upholstered seat and back that may include arms.

(9) "Safer and technically feasible alternative" means an alternative that:

(a) Is available at a cost and in sufficient quantity to permit the manufacturer or user to maintain an economically viable product;

(b) Provides a level of ignition resistance equivalent to or greater than that provided by the product it is intended to replace;

(c) Has been found to have a lower toxicity profile and less environmental impact than the product it is intended to replace.

**NEW SECTION. Sec. 2.** The department is authorized to adopt rules prohibiting the use of polybrominated diphenyl ethers subject to the conditions of this chapter.

**NEW SECTION. Sec. 3.** (1) The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in mattresses, residential upholstered furniture, televisions, and computers.

(2) If the department and the department of health jointly find that safer and technically feasible alternatives are available for any of the uses under subsection (1) of this section, the department shall convene the fire safety committee created in subsection (3) of this section to determine if the identified alternatives meet applicable fire safety standards.

(3) The fire safety committee is created for the exclusive purpose of determining whether an alternative identified under subsection (2) of this section meets applicable fire safety standards.

(a) A representative from the department shall chair the fire safety committee and serve as an ex officio nonvoting member.

(b) A majority vote of the fire safety committee members constitutes a finding that an alternative meets applicable fire safety standards.

(c) The fire safety committee shall also include five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state director of fire protection;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a statewide association representing the interests of firefighters as defined in chapter 41.26 RCW; and

(v) A representative of a statewide association representing the interests of volunteer firefighters.

(4) If a majority of the voting members of the fire safety committee determines that an alternative identified under subsection (2) of this section meets applicable fire safety standards, the department shall seek public input on their findings, the findings of the fire safety committee, and any evidence of the potential harm posed by deca-bde. By December 15th of the year in which the finding is made, the department must publish the information required by this subsection in the Washington State Register and present it in a report to the appropriate committees of the legislature.

(5) If the department adopts a rule to prohibit the use of polybrominated diphenyl ethers pursuant to section 2 of this act, the effective date of the prohibition shall be two years after the final adoption of the rule.

(6) Before the effective date of the product prohibition, the department shall prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

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**NEW SECTION. Sec. 4.** The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in products not directly addressed in this chapter. If a flame retardant that is safer and technically feasible becomes available, the department shall convene the fire safety committee created in section 3 of this act. The fire safety committee shall proceed as required in section 3(2) of this act to determine if the identified alternative meets applicable fire safety standards. The department and the department of health shall also review risk assessments, scientific studies, and other findings regarding the potential effect of PBDEs in the waste stream. By December 31st of the year in which the finding is made, the department must publish the information required by this section in the Washington State Register and present it in a report to the appropriate committees of the legislature.

**NEW SECTION. Sec. 5.** (1) The department may issue a warning letter to a manufacturer that produces, sells, or distributes prohibited products in violation of this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If, after one year, compliance is not achieved, penalties may be assessed under subsection (2) of this section.

(2) A manufacturer of products containing PBDEs in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

**NEW SECTION. Sec. 6.** The department shall adopt rules prohibiting the use of pentabromo diphenyl ether and octabromo diphenyl ether with appropriate exemptions to ensure continued public safety on or before July 1, 2008.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "ethers;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

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

Senator Regala spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to Engrossed Substitute House Bill No. 1024.

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

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Swecker, Pridemore, Carrell and Rockefeller spoke in favor of passage of the bill.

Senators Honeyford and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1024.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1024 and the bill passed

the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

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

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler and Stevens - 8

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### MOTION

Senator Franklin moved adoption of the following resolution:

#### SENATE RESOLUTION 8679

By Senators Franklin, Hewitt, Shin and Kohl-Welles

WHEREAS, Sickle cell anemia is a hereditary disorder that most affects people of African ancestry, but also occurs in other ethnic groups, including people of Mediterranean and Middle Eastern descent; and

WHEREAS, More than 70,000 Americans have sickle cell anemia, and about 2 million Americans - and one in 12 African-Americans - have sickle cell trait; and

WHEREAS, People with sickle cell anemia have inherited two sickle cell genes, one from each parent; a child who has inherited the sickle cell from only one parent will not develop the disease, but will have sickle cell trait; people who have sickle cell trait do not have sickle cell anemia or symptoms of the disease, but they can pass the sickle cell gene to their own children; and

WHEREAS, Because people with sickle cell trait do not have the disease, they may never discover that they carry the gene; teens who are unsure of their sickle cell status should ask their doctors about testing; The National Institutes of Health recommends that all newborns be screened for sickle cell disease, and testing at birth is now required in most states; this helps infants with sickle cell anemia get the care and treatment they need as soon as possible; and

WHEREAS, Normal red blood cells are smooth and round like doughnuts and they move easily through blood vessels to carry oxygen to all parts of the body; in sickle cell anemia, the red blood cells change shape; they become hard, sticky, and shaped like sickles or crescents and, instead of moving through the bloodstream easily, these sickle cells can clog blood vessels and deprive the body's tissues and organs of the oxygen they need to stay healthy; and

WHEREAS, Symptoms include anemia, pain when sickle-shaped red blood cells block the flow of blood to an organ, fatigue, jaundice, eye problems, infections, acute chest syndrome (similar to pneumonia), leg ulcers, strokes, and gallstones; and

WHEREAS, One in every 12 African-Americans have the sickle cell trait versus one in every 413 Caucasians; one in every 500 African-Americans have the sickle cell disease, the highest incidence of any group; although there is still no cure for sickle cell anemia, improved medical procedures, innovative pharmaceuticals, and increased knowledge have made life

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longer, less stressful, and less painful for persons afflicted with the disease;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Metropolitan Seattle Sickle Cell Anemia Task Force for its important contribution in educating the citizens of the State of Washington about the serious health problem of sickle cell anemia, particularly the problem it poses in the African-American community, and urge all public and private entities to take every available avenue to educate the public about sickle cell anemia and its effects on the citizens of Washington.

Senators Franklin and Prentice spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Northwest Sickle Cell Collaborative and the Metropolitan Seattle Sickle Cell Task Force who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bobby Engram of the Seattle Seahawks who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Mr. Engram to address the Senate.

#### REMARKS BY MR. BOBBY ENGRAM

Mr. Engram: "Thank you and good morning to everyone. First of all, thanks for having us down. I just want to echo what Mrs. Franklin just said. I would like to thank the Northwest Sickle Cell Collaborative which is composed of the Task Force and their work with the Children's Hospital in Seattle and all of their efforts and what they do on a daily basis. My role in this is just to try and help bring awareness, trying to elevate the level of knowledge about the disease. I want to especially acknowledge Bendor, Ken West the guys that I have been working hand in hand with. Last year was our first annual Sickle Cell Walk and we raised over twelve thousand dollars for the kids to go to Sickle Cell camp on Vashon Island. We looked to do at least triple that this year. Moving forward, the thing that we really want to get done in a short term is to get kids of age or adults who are thinking about having a baby, getting them tested, getting them pre screened. As of now which was in my case, we didn't find out that my daughter has sickle cell until after she was born. Had me and my wife had more knowledge, we would have got pre screened. Although it wouldn't of swayed our decision from having a baby, we would have had the time to go out and get that knowledge and get some information to help us better deal with a pain crisis whenever it arose. So the short term goal is get as many of those 2.5 Americans that have the trait, to get them screened and to get them the knowledge that they will need to combat this disease. In the long term, ultimately, trying to eradicate the disease through gene therapy. Thank you for your time and your compassion."

#### MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate was declared to recessed until 1:45 p.m.

#### AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Orcutt, Hunter, Blake, Takko, Condotta and Dunn)

Providing an exemption from business and occupation tax for the resale of natural or manufactured gas by consumers.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senators Morton, Parlette, Pflug and Stevens were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1508.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1508 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

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

Absent: Senators Brown, Fraser, Poulsen and Tom - 4

Excused: Senator Pflug - 1

SUBSTITUTE HOUSE BILL NO. 1508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1513, by House Committee on Finance (originally sponsored by Representatives Kessler, Orcutt, Grant, Alexander, Blake, VanDeWege, Kretz, Takko, Linville and Ericks)

Modifying provisions relating to the excise taxation of forest products businesses.

## ROLL CALL

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1513.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Fraser and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1513, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Moeller and B. Sullivan)

Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. Revised for 1st Substitute: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. (REVISED FOR ENGROSSED: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state or who are not a financial institution.)

The measure was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Regala, Senator Spanel was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1114.

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1114 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Brown, Fraser, Poulsen and Spanel - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, 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

HOUSE BILL NO. 1292, by Representatives Barlow, Ahern, Morrell, Hailey, Seaquist, Schindler, Appleton, Skinner, Williams, McDonald, Hurst, Campbell, Haler, Wood, Moeller, VanDeWege, McCune, Conway and Kenney

Establishing the eastern Washington state veterans' cemetery.

The measure was read the second time.

## MOTION

On motion of Senator Marr, the rules were suspended, House Bill No. 1292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1292.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1292 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Brown, Fraser, Poulsen and Spanel - 4

HOUSE BILL NO. 1292, 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

HOUSE BILL NO. 1543, by Representatives Buri, Grant, Dunshee, Ahern, Hailey, Pettigrew, Kretz, Bailey, Linville and Moeller

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Authorizing the use of local retail taxes to finance economic development officers.

The measure was read the second time.

#### MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Management be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, ~~((no later than October 1st))~~ within one hundred fifty days after the close of each fiscal year~~(:):~~ (i) A list of new projects ~~((from))~~ begun during the ~~((prior))~~ fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection.

(c) ~~((For the purposes of this section:))~~ The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington~~((and))~~.

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(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Management to House Bill No. 1543.

Senator Kastama spoke in favor of adoption of the committee striking amendment.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

#### MOTION

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

Beginning on line 1 of the title, strike the remainder of the title and insert "AN ACT Relating to financing economic development offices; and amending RCW 82.14.370."

#### MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1543 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1543 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1543 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, 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, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Benton and Carrell - 2

Excused: Senators Brown and Spanel - 2

HOUSE BILL NO. 1543 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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The Senate resumed consideration of Substitute Senate Bill No. 5080 which had been deferred on March 9, 2007.

## MOTION

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

On page 2, after line 3, insert the following: "Wherever this fee is collected, it shall be identified as the tax increase for transportation."

Senator Honeyford spoke in favor of adoption of the amendment.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 2, after line 3 to Substitute Senate Bill No. 5080 was withdrawn.

## MOTION

Senator Marr moved that the following striking amendment by Senators Haugen, Marr and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

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

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

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

The waste tire removal account is created in the state treasury. ((All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation.)) Expenditures from the account may be used for the cleanup of unauthorized waste tire piles ((and)), measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways.

NEW SECTION. Sec. 4. A new section is added to chapter

70.95 RCW to read as follows:

(1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

(2) On July 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION

On motion of Senator Regala, Senator Kauffman was excused.

Senator Haugen spoke in favor of the striking amendment.  
Senator Clements spoke on adoption of the amendment.

POINT OF ORDER

Senator Honeyford: "My inquiry is, is this bill properly before us? It's past the cut off date and the indication is that this will be as taking whatever surplus on the tire fee that is going to remove and recycle tires and spill that out into transportation. So, does that really make it necessary to implement the budget?"

Senator Haugen spoke on the point of order.

MOTION

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

SECOND READING

HOUSE BILL NO. 1870, by Representatives Pedersen, Ross, Lovick, Bailey, Hunt, Hasegawa, Pettigrew, Skinner, Flannigan, Darneille, Roberts, Newhouse, Hankins, Walsh, Appleton, Santos, Lantz, McCoy, Rodne, Schual-Berke, Ormsby, Upthegrove, Morrell, Kessler, Williams, Kenney, McDermott and Chase

Recognizing Juneteenth as a day of remembrance.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1870.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1870 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, 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 Kline - 1

HOUSE BILL NO. 1870, 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

HOUSE BILL NO. 1972, by Representatives Ross and Newhouse

Regarding proceeds from irrigation district foreclosure sales.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1972.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1972 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

HOUSE BILL NO. 1972, 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

HOUSE BILL NO. 1185, by Representatives VanDeWege, Kristiansen, Kretz, Blake, Orcutt, Kessler and Haigh

Extending the expiration date for reporting requirements on timber purchases.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1185.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1185 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 -

HOUSE BILL NO. 1185, 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

HOUSE BILL NO. 1291, by Representatives Quall, Priest, Wood, Condotta, Moeller, Conway and Simpson

Allowing advance deposit wagering to continue beyond October 1, 2007.

The measure was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### PARLIAMENTARY INQUIRY

Senator Fairley: "Does House Bill No. 1291 require sixty percent vote because it's about gambling?"

#### MOTION

On motion of Senator Eide, further consideration of House Bill No. 1291 was deferred and the bill held its place on the third reading calendar.

#### SECOND READING

HOUSE BILL NO. 1343, by Representatives Takko and Armstrong

Adding a physical examination requirement for certificate of ownership applications.

The measure was read the second time.

#### MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.12.030 and 2005 c 173 s 1 are each amended to read as follows:

(1) The application for a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(a) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) Such other information as the department may require.

(2) The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.



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(3)(a) A physical examination of the vehicle is mandatory if (i) it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss and (ii) it is not retained by the registered owner at the time of the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the title and registration certificate. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

(b)(i) A physical examination of the vehicle is mandatory if the vehicle was declared totaled or salvage under the laws of this state, or the vehicle is presented with documents from another state showing the vehicle was totaled or salvage and has not been reissued a valid registration from that state after the declaration of total loss or salvage.

(ii) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the original documents supporting the vehicle purchase or ownership.

(iii) A Washington state patrol VIN specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuildable vehicle were obtained legally. Original invoices for new and used parts must be from a vendor that is registered with the department of revenue for the collection of retail sales or use taxes or comparable agency in the jurisdiction where the major component parts were purchased. The invoices must include the name and address of the business, a description of the part or parts sold, the date of sale, and the amount of sale to include all taxes paid unless exempted by the department of revenue or comparable agency in the jurisdiction where the major component parts were purchased. Original invoices for used parts must be from a vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased. If the parts or components were purchased from a private individual, the private individual must have title to the vehicle the parts were taken from, except as provided by RCW 46.04.3815, and the bill of sale for the parts must be notarized. The bills of sale must include the names and addresses of the sellers and purchasers, a description of the vehicle, the part or parts being sold, including the make, model, year, and identification or serial number, that date of sale, and the purchase price of the vehicle or part or parts. If the presenter is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described above, an inspection must be completed for ownership-in-doubt purposes as prescribed by WAC 308-56A-210.

(iv) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet RCW and WAC requirements before inspection of the salvage vehicle by the Washington state patrol.

(4) To the extent that the Washington state patrol has a backlog of vehicle inspections that it is to perform under this section, this act shall not be construed to reduce the vehicle inspection workload of the Washington state patrol.

(5) Rebuilt or salvage vehicles licensed in Washington must meet the requirements found under chapter 46.37 RCW to be driven upon public roadways.

~~(5)~~ (6) The application shall be subscribed by the person applying to be the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

Sec. 2. RCW 46.12.040 and 2004 c 200 s 1 are each amended to read as follows:

(1) The application for an original certificate of ownership accompanied by a draft, money order, certified bank check, or cash for five dollars, together with the last preceding certificates

or other satisfactory evidence of ownership, shall be forwarded to the director.

(2) The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

(3) In addition to the application fee and any other fee for the license registration of a vehicle, the department shall collect from the applicant a fee of fifteen dollars for vehicles previously registered in any other state or country. The proceeds from the fee shall be deposited in accordance with RCW 46.68.020. For vehicles requiring a physical examination, the inspection fee shall be ~~((fifty dollars and))~~ sixty-five dollars, fifteen dollars of which shall be deposited into the state patrol highway account created under RCW 46.68.030, and the remainder of which shall be deposited in accordance with RCW 46.68.020."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1343.

The motion by Senator Murray carried and the committee 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 "46.12.030" insert "and 46.12.040"

#### MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1343 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Haugen spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1343 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1343 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, 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, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist and Stevens - 2

Absent: Senators Carrell and Clements - 2

HOUSE BILL NO. 1343 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

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SUBSTITUTE HOUSE BILL NO. 1381, by House Committee on Finance (originally sponsored by Representatives Hasegawa, Orcutt, McIntire and Condotta)

Making changes of a technical nature to tax laws.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1381.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1381 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 HOUSE BILL NO. 1381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, the point of order by Senator Honeyford on Substitute Senate Bill No. 5080 was withdrawn.

#### SECOND READING

HOUSE BILL NO. 2161, by Representatives Simpson, Curtis, Eddy and Ormsby

Providing for consistency between code cities and noncode cities in the apportionment of investment funds.

The measure was read the second time.

#### MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2161 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 House Bill No. 2161.

#### ROLL CALL

The Secretary called the roll on the final passage of House

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Bill No. 2161 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

HOUSE BILL NO. 2161, 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

HOUSE BILL NO. 1418, by Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

Protecting consumers from the keeping of dangerous wild animals.

The measure was read the second time.

#### MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the state of Washington to protect the public against the serious health and safety risks that dangerous wild animals pose to the community.

**NEW SECTION. Sec. 2.** (1) "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(2) "Potentially dangerous wild animal" means one of the following types of animals, whether bred in the wild or in captivity, and any or all hybrids thereof:

(a) Class mammalia

(i) Order carnivora

(A) Family felidae, only lions, tigers, captive-bred cougars, jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

(B) Family canidae, wolves, excluding wolf-hybrids;

(C) Family ursidae, all bears;

(D) Family hyaenidae, such as hyenas;

(ii) Order perissodactyla, only rhinoceroses;

(iii) Order primates, all nonhuman primate species;

(iv) Order proboscidae, all elephants species;

(b) Class reptilia

(i) Order squamata

(A) Family atractaspidae, all species;

(B) Family colubridae, only dispholidus typus;

(C) Family elapidae, all species, such as cobras, mambas, kraits, coral snakes, and Australian tiger snakes;

(D) Family hydrophiidae, all species, such as sea snakes;

(E) Family varanidae, only water monitors and crocodile monitors;

(F) Family viperidae, all species, such as rattlesnakes, cottonmouths, bushmasters, puff adders, and gaboon vipers;

(ii) Order crocodilia, all species, such as crocodiles, alligators, caimans, and gavials.

(3) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited

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liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof.

(4) "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, or has custody or control of a potentially dangerous wild animal.

(5) "Wildlife sanctuary" means a nonprofit organization, as described in RCW 84.36.800, that cares for animals defined as potentially dangerous and:

(a) No activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted;

(b) No commercial activity involving an animal occurs including, but not limited to, the sale of or trade in animals, animal parts, animal byproducts, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;

(c) No unescorted public visitations or direct contact between the public and an animal; or

(d) No breeding of animals occurs in the facility.

**NEW SECTION. Sec. 3.** (1) The provisions of this chapter do not apply to:

(a) Institutions authorized by the Washington department of fish and wildlife to hold, possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047;

(b) Institutions accredited or certified by the American zoo and aquarium association or a facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan;

(c) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter;

(d) Animal control authority, law enforcement officers, or county sheriffs acting under the authority of this chapter;

(e) Veterinary hospitals or clinics;

(f) A holder of a valid wildlife rehabilitation permit issued by the Washington department of fish and wildlife;

(g) Any wildlife sanctuary as defined under section 2(5) of this act;

(h) A research facility as defined by the animal welfare act, 7 U.S.C.A. 2131, as amended, for the species of animals for which they are registered. This includes but is not limited to universities, colleges, and laboratories holding a valid class R license under the animal welfare act;

(i) Circuses, defined as incorporated, class C licensees under the animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily in this state, and that offer performances by live animals, clowns, and acrobats for public entertainment;

(j) A person temporarily transporting and displaying a potentially dangerous wild animal through the state if the transit time is not more than twenty-one days and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping;

(k) Domesticated animals subject to this title or native wildlife subject to Title 77 RCW;

(l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW; and

(m) A game farm meeting the requirements of WAC 232-12-027(1).

(2) This chapter does not require a city or county that does not have an animal control authority to create that office.

**NEW SECTION. Sec. 4.** (1) A person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous wild animal, except as provided in subsection (3) of this section.

(2) A person shall not breed a potentially dangerous wild animal.

(3) A person in legal possession of a potentially dangerous wild animal prior to the effective date of this act and who is the legal possessor of the animal may keep possession of the animal

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for the remainder of the animal's life. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to the effective date of this act, and present the paperwork to an animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to the effective date of this act.

**NEW SECTION. Sec. 5.** (1) The animal control authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal if:

(a) The animal control authority or law enforcement officer has probable cause to believe that the animal was acquired after the effective date of this act in violation of section 4 of this act;

(b) The animal poses a public safety or health risk;

(c) The animal is in poor health and condition as a result of the possessor; or

(d) The animal is being held in contravention of the act.

(2) A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor only if the animal control authority or law enforcement officer establishes that the possessor had possession of the animal prior to the effective date of this act and the return does not pose a public safety or health risk.

(3) The animal control authority or law enforcement officer shall serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, and that the possessor must meet the requirements of subsection (2) of this section in order for the animal to be returned to the possessor.

(4) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the animal control authority or law enforcement officer may release the animal to a facility such as a wildlife sanctuary or a facility exempted pursuant to section 3 of this act. If the animal control authority or law enforcement officer is unable to relocate the animal within a reasonable period of time, it may euthanize the animal.

(5) An animal control authority or law enforcement officer may euthanize a potentially dangerous wild animal under this section only if all known reasonable placement options, including relocation to a wildlife sanctuary, are unavailable.

(6) This section applies to animal confiscations on or after the effective date of this act.

**NEW SECTION. Sec. 6.** A city or county may adopt an ordinance governing potentially dangerous wild animals that is more restrictive than this chapter. However, nothing in this chapter requires a city or county to adopt an ordinance to be in compliance with this chapter.

**NEW SECTION. Sec. 7.** A person who violates section 4 of this act is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation and for each day the violation continues.

**NEW SECTION. Sec. 8.** (1) The animal control authority and its staff and agents, local law enforcement agents, and county sheriffs are authorized and empowered to enforce the provisions of this chapter.

(2) If a locality does not have a local animal control authority, the department of fish and wildlife shall enforce the provisions of this chapter.

**NEW SECTION. Sec. 9.** 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. 10.** Sections 1 through 9 of this act constitute a new chapter in Title 16 RCW."

MOTION

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

On page 3, line 28 of the amendment, after "RCW;" strike "and"

On page 3, line 29 of the amendment, after "WAC 232-12-027(1)" insert "; and

(n) A person with a valid license issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C.A. 2131, as amended"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton, Rasmussen and Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Weinstein and Delvin spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Carrell, Hargrove and Rasmussen on page 3, line 28 to the committee striking amendment to House Bill No. 1418.

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

#### MOTION

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

On page 3, line 28 of the amendment, after "RCW;" strike "and"

On page 3, line 29 of the amendment, after "WAC 232-12-027(1)" insert "; and

(n) A person in legal possession of a potentially dangerous wild animal prior to the effective date of this act and who is the legal possessor of the animal. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to the effective date of this act, and present the paperwork to the animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to the effective date of this act"

On page 3, line 34 of the amendment, after "animal" strike "except as provided in subsection (3) of this section"

On page 4, beginning on line 1 of the amendment, strike all of subsection (3)

On page 4, line 16 of the amendment, after "act" strike "in violation of section 4 of this act"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Carrell, Hargrove and Rasmussen on page 3, line 28 to the committee striking amendment to House Bill No. 1418.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to House Bill No. 1418.

The motion by Senator Weinstein carried and the committee 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 "animals;" strike the remainder of the title and insert "adding a new chapter to Title 16 RCW; and prescribing penalties."

#### MOTION

On motion of Senator Weinstein, the rules were suspended, House Bill No. 1418 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Hargrove, Rasmussen, Carrell and Honeyford spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1418 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1418 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 34

Voting nay: Senators Benton, Brandland, Carrell, Hargrove, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pridemore, Rasmussen, Roach, Schoesler, Stevens and Zarelli - 15

HOUSE BILL NO. 1418 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5080 which had been deferred earlier in the day.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Marr and Swecker to Substitute Senate Bill No. 5080.

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

#### PARLIAMENTARY INQUIRY

Senator Haugen: "Thank you Mr. President. I rise to ask the President how many votes it will take to pass Substitute Senate Bill No. 5080 if amended with the striking amendment presently before the body. Under the present ruling on this legislation, the President held that an earlier version of the bill converted a

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dedicated fee into a general tax and that, under Initiative 601, required a two-third vote of the body on final passage. However, the striking amendment presently before the body does not change the nature of the underlying fee. Pursuant to the guidance provided with your previous ruling on March 13, there exists a clear nextus between the money collected in this striking amendment and the narrow proceeds purposes for which it may be spent. In this case, the striking amendment before the body directs proceeds from this be collected on the replacement of tires to first, fund the elimination of unauthorized waste tire piles; and, second, if sufficient funds remain, be deposited into the motor vehicle account to fund the limited purpose of state and local government, state and local highway maintenance. Clearly, a fee on tire replacement has a direct nexus to a narrow purpose of maintaining the very highways used to carry the vehicle traffic equipped with those tires. Thank you Mr. President."

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1217, by Representatives Hinkle, Darneille, Bailey, Cody, Pettigrew, Green, Kenney, Dickerson, Moeller, Schual-Berke, Campbell, Linville, Seaquist and Morrell

Establishing standards for clubhouse rehabilitation services.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.025 and 2006 c 333 s 104 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

~~((7))~~ (7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

~~((7))~~ (8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill (~~(persons)~~) being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill (~~(and)~~) or severely emotionally disturbed (~~(children)~~) discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

~~((8))~~ (9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~((9))~~ (10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((10))~~ (11) "Department" means the department of social and health services.

~~((11))~~ (12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

~~((12))~~ (13) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

~~((13))~~ (14) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

~~((14))~~ (15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department,

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that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((15))~~ (16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((16))~~ (17) "Mental health services" means all services provided by regional support networks and other services provided by the state for ~~(the)~~ persons who are mentally ill.

~~((17))~~ (18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((26))~~ (27), and ~~((27))~~ (28) of this section.

~~((18))~~ (19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((19))~~ (20) "Regional support network" means a county authority or group of county authorities or other nonprofit entity recognized by the secretary in contract in a defined region.

~~((20))~~ (21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((21))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((22))~~ (23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill ~~(persons)~~, adults who are chronically mentally ill ~~(adults)~~, children who are severely emotionally disturbed ~~(children)~~, or adults who are seriously disturbed ~~(adults)~~ and determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill ~~(persons)~~ in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((23))~~ (24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((24))~~ (25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill ~~(adults and children)~~; (b) adults who are chronically mentally ill ~~(adults)~~; (c) children who are severely emotionally disturbed ~~(children)~~; or (d) adults who are seriously disturbed ~~(adults)~~ and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children

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eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding ~~(mentally ill adults and children's)~~ enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((25))~~ (26) "Secretary" means the secretary of social and health services.

~~((26))~~ (27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((27))~~ (28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate ~~(caretaker)~~;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((28))~~ (29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((29))~~ (30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

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((30)) (31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

**Sec. 2.** RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; ~~(and)~~

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services; and

(o) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

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(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(14) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

~~((14))~~ (15) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

~~((15))~~ (16) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking

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responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

~~((16))~~ (17) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 3. RCW 49.19.010 and 2000 c 94 s 18 are each amended to read as follows:

For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to RCW 49.19.070;

(c) Evaluation and treatment facilities as defined in RCW 71.05.020~~((12))~~; and

(d) Community mental health programs as defined in RCW 71.24.025~~((5))~~.

(2) "Department" means the department of labor and industries.

(3) "Employee" means an employee as defined in RCW 49.17.020.

(4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed House Bill No. 1217.

The motion by Senator Regala carried and the committee 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 "services;" strike the remainder of the title and insert "and amending RCW 71.24.025, 71.24.035, and 49.19.010."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed House Bill No. 1217 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Marr, Senator Kline was excused.



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The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1217 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1217 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Kline - 1

ENGROSSED HOUSE BILL NO. 1217 as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1262, by House Committee on Appropriations (originally sponsored by Representatives Bailey, Conway, Fromhold, Ericks, Simpson and Moeller)

Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Zarelli, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1262 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

48

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1262, 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

HOUSE BILL NO. 1305, by Representatives Kretz, Warnick, Hailey, McCoy, Newhouse and Haler

Repealing the statutes regulating food lockers.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1305.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1305 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Kline - 1

HOUSE BILL NO. 1305, 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

SUBSTITUTE HOUSE BILL NO. 1458, by House Committee on Judiciary (originally sponsored by Representatives VanDeWege, Kessler, Rodne, Appleton, Ahern, Curtis, Kenney, Clibborn, Morrell, P. Sullivan, Eickmeyer, Armstrong, Buri, Chandler, Ericksen, Hinkle, Condotta, Anderson, Eddy, Goodman, Kelley, Haler, McCune, Kretz, Kagi, Ericks, Warnick, Pedersen, Bailey, Newhouse, McDonald, Priest, Roach, Strow, Green, Campbell, Hunter, Takko, Sells, Springer, McCoy, Upthegrove, Williams, Moeller, Ormsby, Pearson, Haigh, Linville, Conway, Dickerson, Dunn, Hasegawa, Rolfes, Ross and Lantz)

Requiring notice to property owners before condemnation decisions.

The measure was read the second time.

MOTION

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On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 1458 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.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1458.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1458 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 HOUSE BILL NO. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, April 4, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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Second Reading	16	9197 Donna Zickuhr	
Third Reading Final Passage	17	Confirmed	4
1349		9236 Patricia Shea	
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