

THIRTY-FIRST DAY

MORNING SESSION

February 7, 2006

Senate Chamber, Olympia, Wednesday, February 8, 2006

The Senate was called to order at 9:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Poulsen and Shin.

The Sergeant at Arms Color Guard consisting of Pages Ashley Gilpin and Kelsey Gurtiza, presented the Colors. Pastor Dwayne Deskins of the New Life Fellowship Church offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR

February 8, 2006

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.

WILLIAM J. MCDOWELL, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN VANCE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED HOUSE BILL NO. 3074,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 1120,
HOUSE BILL NO. 2331,
SUBSTITUTE HOUSE BILL NO. 2339,
SUBSTITUTE HOUSE BILL NO. 2341,
HOUSE BILL NO. 2358,
HOUSE BILL NO. 2375,
HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2402,
SUBSTITUTE HOUSE BILL NO. 2405,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
HOUSE BILL NO. 2366,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
HOUSE BILL NO. 2564,
SUBSTITUTE HOUSE BILL NO. 3003,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 2233,
SUBSTITUTE HOUSE BILL NO. 2432,
SUBSTITUTE HOUSE BILL NO. 2439,
SUBSTITUTE HOUSE BILL NO. 2497,
SECOND SUBSTITUTE HOUSE BILL NO. 2754,
SUBSTITUTE HOUSE BILL NO. 2881,
HOUSE BILL NO. 3078,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

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MOTION

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

INTRODUCTION AND FIRST READING

SB 6892 by Senators Prentice, Esser, Fraser, Brandland, Kohl-Welles, Rasmussen and Oke

AN ACT Relating to the 2006 Seahawks championship account; amending RCW 43.99N.060; and making an appropriation.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 9:07 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:34 a.m. by President Owen.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9174, Margaret Rojas, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

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

APPOINTMENT OF MARGARET ROJAS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9174, Margaret Rojas as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9174, Margaret Rojas as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Poulsen and Shin - 2

Gubernatorial Appointment No. 9174, Margaret Rojas, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice, moved that Gubernatorial Appointment No. 9249, Jesus Hernandez, as a member of the Higher Education Coordinating Board, be confirmed.

Senators Prentice and Parlette spoke in favor of passage of the motion.

APPOINTMENT OF JESUS HERNANDEZ

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9249, Jesus Hernandez as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9249, Jesus Hernandez as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 46

Absent: Senator Zarelli - 1

Excused: Senators Poulsen and Shin - 2

Gubernatorial Appointment No. 9249, Jesus Hernandez, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

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

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6010 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 6010, by Senator Fairley

Granting a right of return to employment to state employees who leave employment to serve in the Peace Corps. (REVISED FOR ENGROSSED: Granting a right of return to employment to state employees who leave employment to serve as Peace Corps or humanitarian organization volunteers or on faith-based missions.)

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The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.06 RCW to read as follows:

(1) An agency shall grant leave without pay to any exempt or nonexempt full-time permanent employee who requests such leave to serve in the United States peace corps, participate in a program sponsored by a humanitarian organization, or participate in a faith-based mission.

(2) The employee's participation in insurance, vacation, retirement pay, or other benefits offered by the employer shall be governed by rules and practices, existing at the time the leave is granted, relating to leave without pay under subsection (1) of this section.

(3) Upon the employee's return, the employee shall be restored, without loss of seniority, to his or her previous position or an equivalent one.

(4) The employee may not be dismissed from his or her position without cause within one year after restoration."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Engrossed Senate Bill No. 6010.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Engrossed Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Kohl-Welles and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Swecker - 1

Excused: Senators Brown and Poulsen - 2

SECOND ENGROSSED SENATE BILL NO. 6010, 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 reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5527, by Senators Morton, Mulliken, Schoesler, Carrell, Benson, Honeyford, McCaslin and Stevens

Prohibiting automatic fee increases.

The measure was read the second time.

MOTION

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

On page 2, beginning on line 1 delete all of Section 2.

Senator Weinstein 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 Weinstein on page 2, line 1 to Engrossed Senate Bill No. 5527.

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

MOTION

On motion of Senator Morton, the rules were suspended, Second Engrossed Senate Bill No. 5527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Morton yield to a question? I'm curious, later on today, sometime today or tomorrow, we're going to have a bill that automatically increase fines in the PDC that goes up by the rate of inflation and so on. Will this bill affect that bill?"

Senator Morton: "Not being familiar with that bill, Senator, I believe that it would not affect that bill."

Senator Jacobsen: "It is a state agency though."

Senator Morton: "Without looking at it, I can not answer in full accuracy."

MOTION

On motion of Senator Prentice, further consideration of Second Engrossed Senate Bill No. 5527 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 6540, by Senators Kohl-Welles, Parlette and Keiser

Concerning the processing of liquor licenses.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6540 was substituted for Senate Bill No. 6540 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6540.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 6540, 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 McCaslin, Senator Deccio was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8039, by Senators Brown, Kohl-Welles, Franklin, Pridemore and Thibaudeau

Requesting changes to the Medicare Modernization Act.

The measure was read the second time.

MOTION

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

On page 1, beginning with "WHEREAS" on line 8, strike all material through "medications." on page 3, line 14, and insert the following:

"WHEREAS, Beginning January 1, 2006, 831,000 Medicare enrollees in Washington state were among the 43 million Americans provided prescription drug coverage through the Medicare Part D program, giving many, for the first time, access to prescription drugs that they had previously struggled to afford; and

WHEREAS, Medicare beneficiaries now have numerous choices for prescription drug coverage, allowing them to pick the plan which best suits their personal circumstances, but for which they need sufficient time and information to understand

and select; and

WHEREAS, Problems and administrative delays when initiating a nationwide assistance program of this magnitude are extremely unfortunate, but inevitable; and

WHEREAS, It is essential to be particularly attentive to the impact of this program on "dual eligibles," the approximately 96,000 low-income residents of Washington who will now receive prescription drug coverage under Medicare rather than Medicaid; and

WHEREAS, In the transition to this new program, where dual eligibles are particularly vulnerable in the face of technological glitches and poor communication that could delay their access to needed medications, we should insist that as much as possible be done to avoid these problems and that they be addressed immediately when they occur; and

WHEREAS, Even for someone correctly transitioned, there is concern that the particular drugs the person needs will not be covered by Part D, or that newly required co-pays will prove unaffordable; and

WHEREAS, The federal government has been working diligently to address these transition issues, including a \$14 million credit which will allow this state to cover any unaffordable co-pays, and the development of a waiver program to assist states with other unanticipated costs, but will benefit from continued input and information from the states regarding particular steps which might be taken to reach the full promise of the Medicare Part D program;

NOW, THEREFORE, Your Memorialists respectfully pray that the Congress and the Administration address concerns with the Medicare Part D program through rule making and, as necessary, through changes to the Medicare Modernization Act, by specifically doing the following:

(1) Upgrading the Centers for Medicare and Medicaid's customer service system to assist clients seeking information;

(2) Extending the enrollment period beyond the May 15, 2006, deadline;

(3) Requiring all health plans that contract with the Centers for Medicare and Medicaid Services to provide uniform transition policies that provide a 30-day supply of needed drugs;

(4) Reimbursing states and pharmacists who have assumed the costs for covering individuals who have had transition problems; and

(5) Repealing the prohibition on the use of Medicaid funds to provide: Wraparound Medicare prescription drug benefits for the transition of dual eligibles; copayments for dual eligibles and low-income beneficiaries; and needed coverage if a particular plan's restricted formulary or network denies access to the most medically appropriate medications."

Senator Benson spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

Senator Esser demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Benson on page 1, line 8 to Senate Joint Memorial No. 8039.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benson and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson,

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McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25

Excused: Senators Deccio and Poulsen - 2

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Joint Memorial No. 8039 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Keiser, Franklin and Thibaudeau spoke in favor of passage of the memorial.

Senators Benson and Parlette spoke against passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8039.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8039 and the memorial passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Carrell, Deccio, Delvin, Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 21

Excused: Senator Poulsen - 1

SENATE JOINT MEMORIAL NO. 8039, having received the constitutional majority, was declared passed.

MOTION

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

MOTION

Senator Sheldon moved adoption of the following resolution:

SENATE RESOLUTION 8690

By Senator Sheldon

WHEREAS, It is the paramount duty of the state to provide all Washington children a public education, and its citizens recognize the vital role educators play in a quality system of learning; and

WHEREAS, It is important to honor the dedication and hard work of educators, and the teacher awarded individual recognition as Washington State Teacher of the Year in 2006 is distinguished as an exceptional educator with outstanding skills and innovation; and

WHEREAS, Ms. Susan Bernard is a highly respected language arts and reading teacher with more than ten years of experience at CHOICE Alternative High School in Shelton, Washington; and

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WHEREAS, Ms. Bernard acts as a language arts curriculum leader and literacy team leader in addition to her classroom responsibilities, as well as an advocate for her community through volunteer endeavors; and

WHEREAS, Ms. Bernard uses innovative reading programs that encourage her students to learn and challenge themselves; and

WHEREAS, Ms. Bernard was named as a Regional Teacher of the Year to acknowledge her significant involvement in advancing the education and future of every one of her students; and

WHEREAS, Nothing is more central to the future of our state than our children's education, and Ms. Bernard embodies the selfless commitment that distinguishes our finest educators;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its gratitude to Ms. Susan Bernard for her outstanding contributions to public education and offer its congratulations upon her being chosen for the honor of Washington State Teacher of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ms. Susan Bernard, CHOICE Alternative High School, and the Shelton School District Superintendent.

Senators Sheldon, McAuliffe, Shin and Schmidt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Teacher of the Year, Ms. Susan Bernard and her husband Mike Bernard and guests; Joan Zook, Shelton School District Superintendent, Gordie Hanson, Principle of CHOICE High School and special guest, Amanda Anderson, a former student of Ms. Bernard who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Executive Director of the Washington Mentoring Partnership, Mr. Jim Marsh, who was seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jae-gouk Kim, Consul General of Korea, who was seated at the rostrum. The President presented Consul General Kim with Senate Resolution No. 8702 adopted by the Senate on January 30, 2006 in his honor.

PERSONAL PRIVILEGE

Senator Shin: "First of all, I'd like to express my appreciation to our Senate colleagues who cosponsor with me for this resolution honoring, 8702 Consul General Jae-gouk Kim, on behalf of the Washington State and Korean-Americans in this state. Consul General Kim has served here for three years. On word, he is indefatigable. He's everywhere, to the Washington State Trade Corps, also Economic Development, trade relations also community relations and I haven't served in many Consul General's but never before have I seen such a work horse who is day and night everywhere serving for the people of Washington State and Korea-Americans to do better in this country. Therefore we thank you so much and bon voyage to you Consul General Kim."

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MOTION

At 11:38 a.m., on motion of Senator Eide, the Senate was declared to be at subject to the call of the President.

AFTERNOON SESSION

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

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9253, Hartly Kruger, as a member of the Horse Racing Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Schoesler and Honeyford were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF HARTLY KRUGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9253, Hartly Kruger as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9253, Hartly Kruger as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker and Weinstein - 40

Absent: Senators Deccio, Hewitt, McCaslin, Thibaudeau and Zarelli - 5

Excused: Senators Brown, Honeyford, Poulsen and Schoesler - 4

Gubernatorial Appointment No. 9253, Hartly Kruger, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

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Senator Rockefeller, moved that Gubernatorial Appointment No. 9282, Melinda E. Travis, as a member of the Lottery Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Mulliken, Senators Deccio, Hewitt, Honeyford and Zarelli were excused.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

APPOINTMENT OF MELINDA E. TRAVIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9282, Melinda E. Travis as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9282, Melinda E. Travis as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senator Thibaudeau - 1

Excused: Senators Brown, Hewitt, Honeyford, Poulsen and Schoesler - 5

Gubernatorial Appointment No. 9282, Melinda E. Travis, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9372, Stacy Pederson, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senators Spanel and Kohl-Welles spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

APPOINTMENT OF STACY PEDERSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9372, Stacy Pederson as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of

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Gubernatorial Appointment No. 9372, Stacy Pederson as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Absent: Senator Franklin - 1

Excused: Senators Brown, Honeyford and Thibaudeau - 3

Gubernatorial Appointment No. 9372, Stacy Pederson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING

SENATE BILL NO. 6246, by Senators Kastama, Roach, Eide, Pflug and Shin; by request of Lieutenant Governor

Outlining the duties of the lieutenant governor.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6246 was substituted for Senate Bill No. 6246 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6246 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.

MOTION

On motion of Senator Oke, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6246 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Honeyford and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 6617, by Senators Haugen and Rasmussen

Regarding the contents of farm plans prepared by conservation districts.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6617 was substituted for Senate Bill No. 6617 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6617.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Honeyford and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6371, by Senators Rasmussen, Schoesler, Shin, Jacobsen and Sheldon

Regulating the disposal of dead animals.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Regala, Senator Brown was excused.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6371 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Brown, Honeyford and McCaslin - 3

SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6188, by Senators Johnson, Keiser, Oke, Rockefeller, Thibaudeau and Kohl-Welles

Providing health benefit plans offering coverage for prostate cancer screening.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 6188 was substituted for Senate Bill No. 6188 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

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

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser,

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Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senator Benson - 1

Absent: Senators Finkbeiner and Kline - 2

Excused: Senators Brown, Delvin, Honeyford and Swecker - 4

SUBSTITUTE SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6280, by Senator Regala

Removing the irrevocable dedication requirement for exemption from property taxes for nonprofit entities.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Schoesler, Senator Stevens was excused.

MOTION

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senator Finkbeiner - 1

Excused: Senators Brown, Hargrove, Honeyford, Kline, Stevens and Swecker - 6

SENATE BILL NO. 6280, 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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MOTION

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

The Senate resumed consideration of Second Engrossed Senate Bill No. 5527 which had been deferred earlier in the day.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5527.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5527 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 3; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Weinstein and Zarelli - 40

Voting nay: Senator Fairley - 1

Absent: Senators Carrell, Poulsen and Thibaudeau - 3

Excused: Senators Brown, Hargrove, Honeyford, Stevens and Swecker - 5

SECOND ENGROSSED SENATE BILL NO. 5527, 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.

THIRD READING

SENATE BILL NO. 5325, by Senators Zarelli, Brown, Doumit, Kline, Shin, Sheldon, Pflug, Mulliken, Kohl-Welles, Rasmussen and Pridemore.

Promoting economic development and community revitalization.

The bill was read on Third Reading.

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

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5325.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt,

Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Fairley - 1

Excused: Senators Brown and Honeyford - 2

SENATE BILL NO. 5325, 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 reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6262, by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice and Kline

Establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6262 was substituted for Senate Bill No. 6262 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6262 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Brown and Honeyford - 2

SUBSTITUTE SENATE BILL NO. 6262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6870, by Senator Haugen

Funding the board of pilotage commissioners' training program.

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MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6870 was substituted for Senate Bill No. 6870 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Benson be adopted.

On page 4, after line 2, insert the following:

"**NEW SECTION. Sec. 3.** This act is intended to clarify the authority of the board of pilotage commissioners to pay stipends to pilot trainees that have indicated they wish to receive a stipend during the board of pilotage commissioners' training program. Section 1 of this act is remedial and curative in nature and applies retroactively to December 1, 2005. Specifically, the board may pay stipends, pursuant to the rules established by the board, to any pilot trainees that qualified for the stipends on, or after, December 1, 2005."

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

Senators Haugen and Benson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Benson on page 4, line 2 to Substitute Senate Bill No. 6870.

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

MOTION

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

On page 1, line 3 of the title, after "(uncodified)," insert "creating a new section;"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6870.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6870 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-

Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6870, 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 seventh order of business.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5179 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5179, by Senators Morton, Jacobsen, Sheldon and Stevens

Studying forest health issues.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) A work group is created to study opportunities to improve the forest health issues enumerated in RCW 76.06.140 that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3, chapter 218, Laws of 2004. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

(i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;

(ii) A representative of a statewide industrial timber landowner's group;

(iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

(iv) A representative of a college within a state university that specializes in forestry or natural resources science;

(v) A representative of an environmental organization;

(vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in RCW 76.06.140;

(vii) A representative of the Washington state department of fish and wildlife;

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(viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;

(ix) A representative of the governor appointed by the governor; and

(x) A representative of a professional forestry organization.

(b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:

(i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in RCW 76.06.140 are present; and

(ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.

(3) The work group shall:

(a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;

(b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;

(c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;

(d) Assist the commissioner in developing a strategic plan under section 3, chapter 218, Laws of 2004 for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;

(e) Develop funding alternatives for consideration by the legislature;

(f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;

(g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;

(h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and

(i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.

(4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2006, its findings and recommendations for legislation that is necessary to implement the findings.

(5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.

(6) The work group is required to hold a minimum of five meetings, at diverse locations throughout the state, to gather public input regarding the group's proposed legislation.

(7) This section expires June 30, 2007.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Morton to Senate Bill No. 5179.

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

MOTION

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

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Brown and Prentice - 2

ENGROSSED SENATE BILL NO. 5179, 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 reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6185, by Senators Keiser, Kohl-Welles, Thibaudeau, Kline and Poulsen

Modifying the family and medical leave act.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6185 was substituted for Senate Bill No. 6185 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6185 was advanced to third reading,

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

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

Senator Parlette spoke against passage of the bill

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6185 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benson, Brandland, Delvin, Hewitt, Honeyford, Mulliken, Parlette, Pflug, Schoesler, Sheldon, Stevens and Swecker - 12

SUBSTITUTE SENATE BILL NO. 6185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6221, by Senators Franklin, Kline, Kastama, Keiser, Regala and Jacobsen

Revising limitations on use of public funds for political purposes. Revised for 1st Substitute: Concerning use of public funds to finance campaigns for local office.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6221 was substituted for Senate Bill No. 6221 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Franklin, Kline, Sheldon and Pridemore spoke in favor of passage of the bill.

Senators Benton, Roach and Pflug spoke against passage of the bill.

Senator Berkey spoke on passage of the bill.

Senator Benton again spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6221 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide,

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Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22

SUBSTITUTE SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:32 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:08 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6159, by Senators Jacobsen, Oke and Spanel

Concerning recreational fishing for albacore tuna.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

MOTION

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6159 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker,

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Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Benson, Benton, Brandland, Carrell, Honeyford, Mulliken, Pflug, Roach, Schoesler and Stevens - 10

SENATE BILL NO. 6159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6776, by Senators Finkbeiner, Poulsen, Weinstein, Esser, Rasmussen, Keiser, Oke, Kline and Kohl-Welles

Prohibiting the unauthorized sale of cell phone numbers. Revised for 1st Substitute: Prohibiting the unauthorized sale of telephone records.

MOTION

On motion of Senator Finkbeiner, Substitute Senate Bill No. 6776 was substituted for Senate Bill No. 6776 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Finkbeiner moved that the following striking amendment by Senators Finkbeiner and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 9.26A RCW to read as follows:

(1) A person is guilty of the unauthorized sale or procurement of telephone records if the person:

(a) Intentionally sells the telephone record of any resident of this state without the authorization of the customer to whom the record pertains;

(b) By fraudulent, deceptive, or false means obtains the telephone record of any resident of this state to whom the record pertains;

(c) Knowingly purchases the telephone record of any resident of this state without the authorization of the customer to whom the record pertains; or

(d) Knowingly receives the telephone record of any resident of this state without the authorization of the customer to whom the record pertains.

(2) This section does not apply to:

(a) Any action by a government agency, or any officer, employee, or agent of such agency, to obtain telephone records in connection with the performance of the official duties of the agency;

(b) A telecommunications company that obtains, uses, discloses, or permits access to any telephone record, either directly or indirectly through its agents, that is:

(i) With the lawful consent of the customer or subscriber;

(ii) Authorized by law;

(iii) Necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services; or

(iv) In connection with the sale or transfer of all or part of its business, or the purchase or acquisition of a portion or all of a business, or the migration of a customer from one carrier to another.

(3) A violation of subsection (1)(a), (b), or (c) of this section is a class C felony. A violation of subsection (1)(d) of this section is a gross misdemeanor.

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(4) A person who violates this section is subject to legal action for injunctive relief and either actual damages, including mental pain and suffering, or liquidated damages of five thousand dollars per violation, whichever is greater. Reasonable attorneys' fees and other costs of litigation are also recoverable.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Telecommunications company" has the meaning provided in RCW 9.26A.100 and includes "radio communications service companies" as defined in RCW 80.04.010.

(b) "Telephone record" means information retained by a telecommunications company that relates to the telephone number dialed by the customer or the incoming number or call directed to a customer, or other data related to such calls typically contained on a customer telephone bill such as the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. "Telephone record" does not include any information collected and retained by customers using caller identification or other similar technologies.

(c) "Procure" means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

Sec. 2. RCW 9A.82.010 and 2003 c 119 s 6, 2003 c 113 s 3, and 2003 c 53 s 85 are each reenacted and amended to read as follows:

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

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, 9A.56.080, and 9A.56.083;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

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(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, or unlawful possession of instruments of financial fraud, as defined in RCW 9A.56.320;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

(n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(r) Trafficking in stolen property, as defined in RCW 9A.82.050;

(s) Leading organized crime, as defined in RCW 9A.82.060;

(t) Money laundering, as defined in RCW 9A.83.020;

(u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(w) Promoting pornography, as defined in RCW 9.68.140;

(x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(cc) A pattern of equity skimming, as defined in RCW 61.34.020;

(dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ff) Unlawful practice of law, as defined in RCW 2.48.180;

(gg) Commercial bribery, as defined in RCW 9A.68.060;

(hh) Health care false claims, as defined in RCW 48.80.030;

(ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(jj) Improperly obtaining financial information, as defined in RCW 9.35.010;

(kk) Identity theft, as defined in RCW 9.35.020;

(ll) Unlawful shipment of cigarettes in violation of RCW 70.155.105(6) (a) or (b); ~~((or))~~

(mm) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2); or

(nn) Unauthorized sale or procurement of telephone records in violation of section 1 of this act.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph,

phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

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(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Finkbeiner and Poulsen to Substitute Senate Bill No. 6776.

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

MOTION

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

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "reenacting and amending RCW 9A.82.010; adding a new section to chapter 9.26A RCW; and prescribing penalties."

MOTION

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Substitute Senate Bill No. 6776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Finkbeiner spoke in favor of passage of the bill.

MOTION

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6776.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6776 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug,

Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6816, by Senator Zarelli

Allowing county cemetery districts to include areas within cities and towns.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6816.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6816 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SENATE BILL NO. 6816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5126, by Senators Kohl-Welles, Kastama, Roach and Keiser

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

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5126 was advanced to

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

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6344, by Senators Kline, Kohl-Welles, Hargrove, Rockefeller, Shin and Benton

Monitoring personal information collected by state agencies.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6344.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6344 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Doumit and Prentice - 2

SENATE BILL NO. 6344, having received the constitutional majority, was declared passed. There being no

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

SECOND READING

SENATE BILL NO. 6428, by Senators Pridemore, Esser, Poulsen, Morton, Schmidt, Fairley, Benson, Berkey, Regala, Kohl-Welles, Weinstein, Prentice, Kastama, Johnson, Thibaudeau, Kline, Eide, Shin, Rockefeller, Jacobsen, Haugen, Doumit, Oke, Franklin, Swecker, Carrell, Rasmussen, Spanel, Fraser, McAuliffe, Keiser, Brown, Finkbeiner, Brandland and Benton

Providing electronic product recycling through manufacturer financed opportunities. Revised for 1st Substitute: Providing for electronic product recycling.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6428 was substituted for Senate Bill No. 6428 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

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

(1) "Authority" means the Washington materials management and financing authority created under section 28 of this act.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under section 29 of this act.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor

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vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities similar to households.

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

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products for which an individual manufacturer is responsible under this chapter as determined by the department under section 20 of this act.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if a company from whom an importer purchases or has purchased the merchandise performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution, that company is deemed to be the manufacturer; or

(e) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both

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televisions and computer monitors that is deemed a new entrant under either (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting electronic waste with or without other waste. Smelting of electronic wastes to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under section 19 of this act.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

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(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

NEW SECTION. Sec. 3. (1) A manufacturer must participate in an independent plan or the standard plan to implement and finance the collection, transportation, and recycling of covered electronic products.

(2) An independent plan or the standard plan must be implemented and fully operational no later than January 1, 2009.

(3) The manufacturers participating in an approved plan are responsible for covering all administrative and operational costs associated with the collection, transportation, and recycling of their plan's equivalent share of covered electronic products. If costs are passed on to consumers, it must be done without any fees at the time the unwanted electronic product is delivered or collected for recycling. However, this does not prohibit collectors providing premium or curbside services from charging customers a fee for the additional collection cost of providing this service, when funding for collection provided by an independent plan or the standard plan does not fully cover the cost of that service.

(4) Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste in the state of Washington, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract pursuant to RCW 81.77.020.

(5) Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste haulers, processors, recyclers, charities, and local governments within the state in the development and implementation of their plans.

NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section 23 of this act.

(3) The department shall review a registration and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration may only include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall determine, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of

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this chapter, including registration and plan requirements under this section and section 5 of this act.

NEW SECTION. Sec. 5. (1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) Each independent plan represents at least a five percent return share of covered electronic products; and

(b) No manufacturer may participate in an independent plan if they are a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

NEW SECTION. Sec. 6. (1) All initial independent plans and the initial standard plan required under section 5 of this act must be submitted to the department by February 1, 2008. The department shall review each independent plan and the standard plan.

(2) The authority submitting the standard plan and each authorized party submitting an independent plan to the department must pay a fee to the department to cover the costs of administering and implementing this chapter. The department shall set the fees as described under section 23 of this act.

(3) The fees in subsection (2) of this section apply to the initial plan submission and plan updates and revisions required in section 7 of this act.

(4) Within ninety days after receipt of a plan, the department shall determine whether the plan complies with this chapter. If the plan is approved, the department shall send a letter of approval. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party has sixty days after receipt of the letter of disapproval to submit a new plan.

(5) An independent plan and the standard plan must contain the following elements:

(a) Contact information for the authority or authorized party and a comprehensive list of all manufacturers participating in the plan and their contact information;

(b) A description of the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(i) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services; and

(ii) Fairly compensate collectors for providing collection services;

(c) The method or methods for the reasonably convenient collection of all product types of covered electronic products in rural and urban areas throughout the state, including how the plan will provide for collection services in each county of the state and for a minimum of one collection site or alternate collection service for each city or town with a population greater

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than ten thousand. A collection site for a county may be the same as a collection site for a city or town in the county;

(d) A description of how the plan will provide service to small businesses, small governments, charities, and school districts in Washington state;

(e) The processes and methods used to recycle covered electronic products including a description of the processing that will be used and the facility location;

(f) Documentation of audits of each processor used in the plan and compliance with processing standards established under section 25 of this act;

(g) A description of the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share;

(h) A timeline describing startup, implementation, and progress towards milestones with anticipated results;

(i) The public information campaign to inform consumers about how to recycle their covered electronic products at the end of the product's life.

(6) The standard plan shall address how it will incorporate and fairly compensate registered collectors providing curbside or premium services such that they are not compensated at a lower rate for collection costs than the compensation offered other collectors providing drop-off collection sites in that geographic area.

(7) All transporters and collectors used to fulfill the requirements of this section must be registered as described in section 24 of this act.

NEW SECTION. Sec. 7. (1) An independent plan and the standard plan must be updated at least every five years and as required in (a) and (b) of this subsection.

(a) If the program fails to provide service in each county in the state or meet other plan requirements, the authority or authorized party shall submit to the department within sixty days of failing to provide service an updated plan addressing how the program will be adjusted to meet program geographic coverage and collection service requirements.

(b) The authority or authorized party shall notify the department of any modification to the plan. If the department determines that the authority or authorized party has significantly modified the program described in the plan, the authority or authorized party shall submit a revised plan describing the changes to the department within sixty days of notification by the department.

(2) Within sixty days after receipt of a revised plan, the department shall determine whether the revised plan complies with this chapter. If the revised plan is approved, the department shall send a letter of approval. If the revised plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party has sixty days after receipt of the letter of disapproval to submit a new plan revision.

(3) The authority or authorized parties may buy and sell tonnage of covered electronic products with other plans without submitting a plan revision for review.

NEW SECTION. Sec. 8. (1) A manufacturer participating in an independent plan may join the standard plan by notifying the authority and the department of its intention at least five months prior to the start of the next program year.

(2) Manufacturers may not change from one plan to another plan during a program year.

(3) A manufacturer participating in the standard plan wishing to implement or participate in an independent plan may do so by complying with rules adopted by the department under section 23 of this act.

NEW SECTION. Sec. 9. (1) A program must provide collection services for covered electronic products of all product types that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide

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collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

NEW SECTION. Sec. 10. Any person acquiring a manufacturer, or who has acquired a manufacturer, shall have all responsibility for the acquired company's covered electronic products, including covered electronic products manufactured prior to the effective date of this section, unless that responsibility remains with another entity per the purchase agreement and the acquiring manufacturer provides the department with a letter from the other entity accepting responsibility for the covered electronic products. Cobranding manufacturers may negotiate with retailers for responsibility for those products and must notify the department of the results of their negotiations.

NEW SECTION. Sec. 11. (1) An independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) The sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which

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manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

NEW SECTION. Sec. 12. (1) An independent plan and the standard plan must inform covered entities about where and how to reuse and recycle their covered electronic products at the end of the product's life, including providing a web site or a toll-free telephone number that gives information about the recycling program in sufficient detail to educate covered entities regarding how to return their covered electronic products for recycling.

(2) The department shall promote covered electronic product recycling by:

(a) Posting information describing where to recycle unwanted covered electronic products on its web site;

(b) Providing information about recycling covered electronic products through a toll-free telephone service; and

(c) Developing and providing artwork for use in flyers and signage to retailers upon request.

(3) Local governments shall promote covered electronic product recycling, including listings of local collection sites and services, through existing educational methods typically used by each local government.

(4) A retailer who sells new covered electronic products shall provide information to consumers describing where and how to recycle covered electronic products and opportunities and locations for the convenient collection or return of the products. This requirement can be fulfilled by providing the department's toll-free telephone number and web site. Remote sellers may include the information in a visible location on their web site as fulfillment of this requirement.

(5) Manufacturers, state government, local governments, retailers, and collection sites and services shall collaborate in the development and implementation of the public information campaign.

NEW SECTION. Sec. 13. (1) The electronic products recycling account is created in the custody of the state treasurer. All payments resulting from plans not reaching their equivalent share, as described in section 22 of this act, shall be deposited into the account. Any moneys collected for manufacturer registration fees, fees associated with reviewing and approving plans and plan revisions, and penalties levied under this chapter shall be deposited into the account.

(2) Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Moneys in the account may be used solely by the department for the purposes of fulfilling department responsibilities specified in this chapter and for expenditures to the authority and authorized parties resulting from plans exceeding their equivalent share, as described in section 22 of this act. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. (1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large

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quantities from small businesses, small governments, charities and school districts as described in section 9(5) of this act;

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap described in section 25(1)(b) of this act, including facility locations;

(d) Other documentation as established under section 25(1)(d) of this act;

(e) Educational and promotional efforts that were undertaken;

(f) The results of sampling and sorting as required in section 11 of this act, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

(g) Any other information deemed necessary by the department.

(3) The authority shall also include in its annual report to the department the list of manufacturers that are participating in the standard plan.

(4) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(5) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

NEW SECTION. Sec. 15. Nonprofit charitable 501(c)3 organizations that are primarily engaged in the business of reuse and resale and that are used by a plan to collect covered electronic products shall file a report with the department by March 1st of the second program year and each program year thereafter. The report must indicate and document the weight of covered electronic products sent for recycling during the previous program year attributed to each plan that the charitable organization is participating in.

NEW SECTION. Sec. 16. (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. The label must be permanently affixed and readily visible.

(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION. Sec. 17. No person may sell or offer for sale a covered electronic product to any person in this state unless the manufacturer of the covered electronic product has filed a registration with the department under section 4 of this act and is participating in an approved plan under section 5 of this act. A person that sells or offers for sale a covered electronic product in the state shall consult the department's web site for lists of manufacturers with registrations and approved plans prior to selling a covered electronic product in the state. A person is considered to have complied with this section if on the date the product was ordered from the manufacturer or its agent, the manufacturer was listed as having registered and having an approved plan on the department's web site.

NEW SECTION. Sec. 18. (1) The department shall maintain on its web site the following information:

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(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under section 3 of this act;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under section 5 of this act;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under section 24 of this act;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) Return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

NEW SECTION. Sec. 19. (1) The department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For the second and each subsequent program year, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under section 11 of this act.

NEW SECTION. Sec. 20. (1) The department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its equivalent share as determined under section 22 of this act. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable 501(c)3 organizations that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

NEW SECTION. Sec. 21. (1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) Preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the

basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return share, the department shall make a final decision on return share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. By August 1st of each program year, the department shall publish the final return shares for use in the coming program year.

NEW SECTION. Sec. 22. (1) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is less than the plan's equivalent share of covered electronic products for that year, then the authority or authorized party shall submit to the department a payment equal to the weight in pounds of the deficit multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products and the administrative fee. Moneys collected by the department must be deposited in the electronic products recycling account.

(2) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is more than the plan's equivalent share of covered electronic products for that year, then the department shall submit to the authority or authorized party, a payment equal to the weight in pounds of the surplus multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products.

(3) For purposes of this section, the initial reasonable collection, transportation, and recycling cost for covered electronic products is forty-five cents per pound and the administrative fee is five cents per pound.

(4) The department may annually adjust the reasonable collection, transportation, and recycling cost for covered electronic products and the administrative fee described in this section. Prior to making any changes in the fees described in this section, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any changes to the reasonable collection, transportation, and recycling cost or the administrative fee by January 1st of the program year in which the change is to take place.

NEW SECTION. Sec. 23. (1) The department shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

NEW SECTION. Sec. 24. Each collector and transporter of covered electronic products in the state must register annually with the department. The registration must include all identification requirements for licensure in the state and the

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geographic area of the state that they serve. The department shall develop a single form for registration of both collectors and transporters.

NEW SECTION. Sec. 25. (1)(a) The authority and each authorized party shall ensure that each processor used directly by the authority or the authorized party to fulfill the requirements of their respective standard plan or independent plan has provided the authority or the authorized party a written statement that the processor will comply with the requirements of this section.

(b) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations above the limits listed in 40 C.F.R. Sec. 261.24 as of the effective date of this act shall be prohibited except for exports to:

(i) Countries that are members of the organization for economic cooperation and development;

(ii) Countries that are members of the European community; or

(iii) Countries that have entered into an agreement with the United States that allows for such exports.

(c) Any unwanted electronic products or electronic components derived from such products that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act and exported to countries that are not members of the organization for economic cooperation and development or the European community or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components capable of leaching these substances in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act.

(d) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

(2) The department shall establish by rule performance standards for environmentally sound management for processors directly used to fulfill the requirements of an independent plan or the standard plan. Performance standards may include financial assurance to ensure proper closure of facilities in the state consistent with environmental standards.

(3) The department shall establish by rule guidelines regarding nonrecycled residual that may be properly disposed after covered electronic products have been processed.

(4) The department may audit processors that are utilized to fulfill the requirements of an independent plan or the standard plan.

(5) No plan or program required under this chapter may include the use of federal or state prison labor for processing.

NEW SECTION. Sec. 26. (1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation.

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After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under section 25 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.

(5) The department shall enforce this section.

NEW SECTION. Sec. 27. By December 31, 2012, the department shall provide a report to the legislature that includes the following information:

(1) For each of the preceding program years, the weight of covered electronic products recycled in the state by plan, by county, and in total;

(2) The performance of each plan in meeting its equivalent share, and payments received from and disbursed to each plan from the electronic products recycling account;

(3) A description of the various collection programs used to collect covered electronic products in the state;

(4) An evaluation of how the pounds per capita recycled of covered electronic products in the state compares to programs in other states;

(5) Comments received from local governments and local communities regarding satisfaction with the program, including accessibility and convenience of services provided by the plans;

(6) Recommendations on how to improve the statewide collection, transportation, and recycling system for convenient, safe, and environmentally sound recycling of electronic products; and

(7) An analysis of whether and in what amounts unwanted electronic products and electronic components and electronic scrap exported from Washington have been exported to countries that are not members of the organization for economic cooperation and development or the European union, and recommendations for addressing such exports.

NEW SECTION. Sec. 28. (1) The Washington materials management and financing authority is established as a public body corporate and politic, constituting an instrumentality of the state of Washington exercising essential governmental functions.

(2) The authority shall plan and implement a collection, transportation, and recycling program for manufacturers that have registered with the department their intent to participate in the standard program as required under section 4 of this act.

(3) Membership in the authority is comprised of registered participating manufacturers. Any manufacturer who does not qualify or is not approved to submit an independent plan, or whose independent plan has not been approved by the department, is a member of the authority.

(4) The authority shall act as a business management organization on behalf of the citizens of the state to manage financial resources and contract for services for collection, transportation, and recycling of covered electronic products.

(5) The authority's standard plan is responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer. All new entrants and white box manufacturers must participate in the standard plan.

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(6) The authority shall accept into the standard program covered electronic products from any registered collector who meets the requirements of this chapter. The authority shall compensate registered collectors for the reasonable costs associated with collection, but is not required to compensate nor restricted from compensating the additional collection costs resulting from the additional convenience offered to customers through premium and curbside services.

(7) Except as specifically allowed in this chapter, the authority shall operate without using state funds or lending the credit of the state or local governments.

(8) The authority shall develop innovative approaches to improve materials management efficiency in order to ensure and increase the use of secondary material resources within the economy.

NEW SECTION. Sec. 29. (1)(a) The authority is governed by a board of directors. The initial board of directors is comprised of eleven participating manufacturers, elected by the membership of the authority. Five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of community, trade, and economic development and the department of ecology, and the state treasurer serve as ex officio members. The state agency directors and the state treasurer serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 30. (1) Participating manufacturers shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority.

(2) The authority shall assess charges and collect funds from participating manufacturers based on return share, market share, any combination thereof, or any other equitable method, and collect assessments directly to fund the activities of the standard program. The authority shall adjust the assessments as necessary in order to ensure that all costs associated with the identified activities are covered. If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

NEW SECTION. Sec. 31. (1) Except as provided in subsection (2) of this section, the authority shall use any funds

legally available to it for any purpose specifically authorized by this chapter to:

(a) Contract and pay for collecting, transporting, and recycling of covered electronic products and education and other services as identified in the standard plan;

(b) Pay for the expenses of the authority including, but not limited to, salaries, benefits, operating costs and consumable supplies, equipment, office space, and other expenses related to the costs associated with operating the authority;

(c) Pay into the electronic products recycling account amounts billed by the department to the authority for any deficit in reaching the standard plan's equivalent share as required under section 22 of this act; and

(d) Pay the department for the fees for submitting the standard plan and any plan revisions.

(2) If practicable, the authority shall avoid creating new infrastructure already available through private industry in the state.

(3) The authority may not receive an appropriation of state funds, other than:

(a) Funds that may be provided as a one-time loan to cover administrative costs associated with start up of the authority, such as electing the board of directors and conducting the public hearing for the operating plan, provided that no appropriated funds may be used to pay for collection, transportation, or recycling services; and

(b) Funds received from the department from the electronic products recycling account for exceeding the standard plan's equivalent share.

(4) The authority may receive additional sources of funding that do not obligate the state to secure debt except as described in subsection (1) of this section.

(5) All funds collected by the authority under this chapter, including interest, dividends, and other profits, are and must remain under the complete control of the authority and its board of directors, be fully available to achieve the intent of this chapter, and be used for the sole purpose of achieving the intent of this chapter.

NEW SECTION. Sec. 32. (1) The board shall adopt a general operating plan of procedures for the authority. The board shall also adopt operating procedures for collecting fees from participating covered electronic manufacturers and for providing funding for contracted services. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The general operating plan must include, but is not limited to: (a) Appropriate minimum reserve requirements to secure the authority's financial stability; and (b) appropriate standards for contracting for services.

(3) The board shall conduct at least one public hearing on the general operating plan prior to its adoption. The authority shall provide and make public a written response to all comments received by the public.

(4) The general operating plan must be adopted by resolution of the board. The board may periodically update the general operating plan as necessary, but must update the plan no less than once every four years. The general operating plan or updated plan must include a report on authority activities conducted since the commencement of authority operation or since the last reported general operating plan, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the general operating plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the general operating plan.

NEW SECTION. Sec. 33. (1) The authority shall employ a chief executive officer, appointed by the board, and a chief financial officer, as well as professional, technical, and support staff, appointed by the chief executive officer, necessary to carry out its duties.

(2) Employees of the authority are not classified employees of the state. Employees of the authority are exempt from state

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service rules and may receive compensation only from the authority at rates competitive with state service.

(3) The authority must retain its own legal counsel.

(4) The departments of ecology and community, trade, and economic development shall provide staff to assist in the creation of the authority. If requested by the authority, the departments of ecology and community, trade, and economic development shall also provide start-up support staff to the authority for its first twelve months of operation, or part thereof, to assist in the quick establishment of the authority. Staff expenses must be paid through fees and funds collected by the authority and must be reimbursed to the departments from the authority's financial resources within the first twenty-four months of operation.

(5) In addition to accomplishing the activities specifically authorized in this chapter, the authority may:

(a) Maintain an office or offices;

(b) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(c) Make expenditures as appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

(d) Give assistance to private and public bodies contracted to provide collection, transportation, and recycling services by providing information, guidelines, forms, and procedures for implementing their programs;

(e) Delegate, through contract, any of its powers and duties if consistent with the purposes of this chapter; and

(f) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. Sec. 34. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection and recycling of covered electronic products that substantially meets the intent of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic products from households, small businesses, school districts, small governments, and charities in the United States.

NEW SECTION. Sec. 35. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department of general administration shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of section 25 of this act.

(3) The department of general administration shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody record that documents to whom the products were initially delivered through to the end use manufacturer.

Sec. 36. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through

47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

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(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.-- RCW (sections 1 through 34 of this act) to implement chapter 70.-- RCW (sections 1 through 34 of this act).

NEW SECTION. Sec. 37. This act must be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 38. 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. 39. This act takes effect July 1, 2006.

NEW SECTION. Sec. 40. Sections 1 through 34 of this act constitute a new chapter in Title 70 RCW."

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

MOTION

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

On page 6, beginning on line 26, strike everything through "act." on line 29.

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

On page 8, beginning on line 14, strike everything through "act." on line 21.

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

On page 13, line 34, after "for" strike everything through "revisions, and" on line 35.

On page 19, line 24, strike everything through "chapter." on line 31.

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

On page 25, line 25, strike everything through "revisions." on line 26.

On page 26, line 11, after "procedures" strike everything through "and" on line 12.

On page 27, line 14, after "through" strike "fees and"

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

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 6, line 26 to the striking amendment to Substitute Senate Bill No. 6428.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore to Substitute Senate Bill No. 6428.

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

MOTION

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

On page 1, line 2 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Esser and Poulsen spoke in favor of passage of the bill.

Senator Hewitt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6428.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6428 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 41

Voting nay: Senators Hewitt, Honeyford, Jacobsen, Mulliken, Schoesler, Sheldon, Stevens and Zarelli - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 6428, 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 reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

- HOUSE BILL NO. 1361,
- SECOND SUBSTITUTE HOUSE BILL NO. 1430,
- HOUSE BILL NO. 1813,
- SUBSTITUTE HOUSE BILL NO. 2463,
- HOUSE BILL NO. 2562,
- SUBSTITUTE HOUSE BILL NO. 2563,
- HOUSE BILL NO. 2587,
- HOUSE BILL NO. 2615,
- SUBSTITUTE HOUSE BILL NO. 2654,
- HOUSE BILL NO. 2655,
- SUBSTITUTE HOUSE BILL NO. 2656,
- HOUSE BILL NO. 2676,
- HOUSE BILL NO. 2825,
- HOUSE BILL NO. 2897,
- HOUSE BILL NO. 2900,

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SUBSTITUTE HOUSE BILL NO. 2908,
HOUSE BILL NO. 2960,
HOUSE BILL NO. 2975,
SUBSTITUTE HOUSE BILL NO. 2979,
HOUSE BILL NO. 2983,
HOUSE BILL NO. 2991,
HOUSE BILL NO. 3019,
HOUSE BILL NO. 3041,
HOUSE BILL NO. 3048,
HOUSE BILL NO. 3056,
HOUSE BILL NO. 3073,
HOUSE BILL NO. 3205,
HOUSE JOINT MEMORIAL NO. 4038,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s):
HOUSE BILL NO. 2477,
HOUSE BILL NO. 2520,
SUBSTITUTE HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2601,
HOUSE JOINT MEMORIAL NO. 4023,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill{s):
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2381,
SUBSTITUTE HOUSE BILL NO. 2394,
HOUSE BILL NO. 2718,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, February 9, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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