

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 6, 2007

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

The Sergeant at Arms Color Guard consisting of Pages Annaliese Davis and Zachary Herrington, presented the Colors. Pastor Betty Hatter of City of Truth Ministries Church offered the prayer.

MOTION

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

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:

- SUBSTITUTE SENATE BILL NO. 5039,
- SENATE BILL NO. 5042,
- SUBSTITUTE SENATE BILL NO. 5052,
- SUBSTITUTE SENATE BILL NO. 5228,
- SENATE BILL NO. 5247,
- ENGROSSED SENATE BILL NO. 5251,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,
- SENATE BILL NO. 5313,
- SENATE BILL NO. 5389,
- SUBSTITUTE SENATE BILL NO. 5391
- SUBSTITUTE SENATE BILL NO. 5443,
- SUBSTITUTE SENATE BILL NO. 5461,
- SUBSTITUTE SENATE BILL NO. 5463,
- SENATE BILL NO. 5468,
- SUBSTITUTE SENATE BILL NO. 5511,
- SENATE BILL NO. 5607,
- SENATE BILL NO. 5640,
- SENATE BILL NO. 5711,
- SENATE BILL NO. 5732,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5827,
- SUBSTITUTE SENATE BILL NO. 5839,
- SUBSTITUTE SENATE BILL NO. 5895,
- SUBSTITUTE SENATE BILL NO. 5910,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,
- ENGROSSED SENATE BILL NO. 6018,
- SENATE BILL NO. 6059,
- SENATE BILL NO. 6075,

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2380 by House Committee on Finance (originally sponsored by Representatives Ericks, Orcutt, Hunter, Kretz, Linville and Ormsby)

AN ACT Relating to providing taxpayer relief for costs associated with compliance with the sourcing requirements of the streamlined sales and use tax agreement; adding a

new section to chapter 82.32 RCW; and providing an expiration date.

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

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

MOTION

Senator Benton moved adoption of the following resolution:

**SENATE RESOLUTION
8678**

By Senators Benton, Parlette, Rockefeller, Kohl-Welles, Hewitt, McCaslin, Shin, Franklin, Tom, Roach, Kilmer, Brandland, Holmquist, Hobbs, Kauffman, Zarelli and Prentice

WHEREAS, Many Washington citizens have literally given the gift of life by donating an organ; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and enhance the lives of others through organ donation and transplantation; and

WHEREAS, There are currently 85,000 courageous Americans awaiting a lifesaving organ transplant with 18 individuals losing their lives every day because of the shortage of donations; and

WHEREAS, Every 13 minutes a person is added to the national organ donation waiting list; and

WHEREAS, Out of the approximately 20,000 deaths that occur each year in the United States under conditions that would allow organs to be taken for transplantation, only 6,400 are registered donors; and

WHEREAS, With modern medicine it is possible to transplant approximately 25 different organs and tissues, including liver, bone, bone marrow, cartilage, cornea, hearts, kidney, lung, and pancreas; and

WHEREAS, Organ and tissue donation from one individual can save or enhance the lives of up to fifty people; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ donation, another person's life has been saved; and

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, Through organ donation a donor receives gratitude from the recipient's family and is honored by the enhancement of the recipient's life; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize April as Organ Donation Awareness month as declared by the Governor of the State of Washington and does hereby honor those who have donated and celebrate the lives of the recipients.

Senators Benton, Franklin, Eide, Tom and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

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

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INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Mike Sivley, organ recipient, his wife, Patty, and their sons Matthew and Nicholas, constituents of Senator Benton, who were present in the gallery.

Also introduced by the President were Ms. Megan Erwin, Executive Director of the Living Legacy Foundation and Ms. Ernesta Ballard, senior vice president, Corporate Affairs, for Weyerhaeuser Company and chair of Life Center Northwest, the organ donation organization for Washington, Montana and Alaska.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of Senator Adam Kline's family who were seated in the gallery.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9141, Chiho Lai, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

APPOINTMENT OF CHIHO LAI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9141, Chiho Lai as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9141, Chiho Lai as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Benton and Prentice - 2

Gubernatorial Appointment No. 9141, Chiho Lai, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9088, Salvador Beltran, Jr., as a member of the Board of Trustees, Columbia Basin Community College District No. 19, be confirmed.

Senator Hewitt spoke in favor of the motion.

APPOINTMENT OF SALVADOR BELTRAN, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9088, Salvador Beltran, Jr. as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9088, Salvador Beltran, Jr. as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Benton - 1

Gubernatorial Appointment No. 9088, Salvador Beltran, Jr., having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gubernatorial Appointment No. 9151, Patrick McElligot, as a member of the Investment Board, be confirmed.

Senators Brown and Franklin spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

APPOINTMENT OF PATRICK MCELLIGOT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9151, Patrick McElligot as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9151, Patrick McElligot as a member of the Investment Board and the appointment was

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confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Benton and Haugen - 2

Gubernatorial Appointment No. 9151, Patrick McElligot, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Darneille, Kirby, Ahern, Ross, Flannigan, Moeller, Kenney and Morrell)

Regulating charitable organizations that solicit contributions from the public.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.09.010 and 1986 c 230 s 1 are each amended to read as follows:

The purpose of this chapter is to:

(1) Provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes in order to prevent ~~((+))~~ (a) deceptive and dishonest practices in the conduct of soliciting funds for or in the name of charity; and ~~((=))~~ (b) improper use of contributions intended for charitable purposes;

(2) Improve the transparency and accountability of organizations that solicit funds from the public for charitable purposes; and

(3) Develop and operate educational programs or partnerships for charitable organizations, board members, and the general public that help build public confidence and trust in organizations that solicit funds from the public for charitable purposes.

Sec. 2. RCW 19.09.020 and 2002 c 74 s 1 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable ~~((activity))~~ purpose, but does not include any commercial fund raiser ~~((or))~~ commercial fund-raising entity, commercial coventurer, or any fund-raising counsel, as defined in this section. ~~((("Charitable" (a) is not limited to its common law~~

~~meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c) includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.)) Churches and their integrated auxiliaries are not charitable organizations, but are subject to RCW 19.09.100 (12), (15), and (18).~~

~~(3) "Charitable purpose" means any religious, charitable, scientific, testing for public safety, literary, or educational purpose or any other purpose that is beneficial to the community, including environmental, humanitarian, patriotic, or civic purposes, the support of national or international amateur sports competition, the prevention of cruelty to children or animals, the advancement of social welfare, or the benefit of law enforcement personnel, firefighters, and other persons who protect public safety. The term "charitable" is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.~~

~~(4) "Commercial coventurer" means any individual or corporation, partnership, sole proprietorship, limited liability company, limited partnership, limited liability partnership, or any other legal entity, that:~~

~~(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public;~~

~~(b) Is not otherwise regularly or primarily engaged in making charitable solicitations in this state or otherwise raising funds in this state for one or more charitable organizations;~~

~~(c) Represents to prospective purchasers that, if they purchase a good or service from the commercial coventurer, a portion of the sales price or a sum of money or some other specified thing of value will be donated to a named charitable organization; and~~

~~(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.~~

~~(5) "Commercial fund raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, a commercial coventurer, fund-raising counsel, or consultant is not a commercial fund raiser or commercial fund-raising entity.~~

~~(6) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.~~

~~((+)) (7) "Contribution" means the payment, donation, promise, or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights ~~((less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose)).~~~~

~~((=)) (8) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. ~~((Cost of~~~~

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solicitation does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

~~(6))~~ (9) "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

~~((7))~~ "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

~~(8)~~ "Commercial fund raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a commercial fund raiser or "commercial fund-raising entity": (a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization; and (b) a bona fide officer or other employee of a charitable organization.

~~(9))~~ (10) "Fund-raising counsel" or "consultant" means any entity or individual who is retained by a charitable organization, for a fixed fee or rate, that is not computed on a percentage of funds raised, or to be raised, under a written agreement only to plan, advise, consult, or prepare materials for a solicitation of contributions in this state, but who does not manage, conduct, or carry on a fund-raising campaign and who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions, and who does not at any time have custody or control of contributions. A volunteer, employee, or salaried officer of a charitable organization maintaining a permanent establishment or office in this state is not a fund-raising counsel. An attorney, investment counselor, or banker who advises an individual, corporation, or association to make a charitable contribution is not a fund-raising counsel as a result of the advice.

(11) "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(12) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

~~((10))~~ (13) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable purposes or religious ~~(purposes))~~ activities.

~~((11))~~ "Parent organization" means that part of a charitable organization that coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more related foundations, supporting organizations, chapters, branches, or affiliates of such organization in the state of Washington.

~~(12))~~ (14) "Political ~~(activities))~~ organization" means those organizations whose activities are subject to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as amended.

~~((13))~~ "Religious activities" means those religious, evangelical, or missionary activities under the direction of a

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religious organization duly organized and operating in good faith that are entitled to receive a declaration of current tax exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.

~~(14))~~ (15) "Religious organization" means those entities that are not churches or integrated auxiliaries and includes nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, speakers' organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

(16) "Secretary" means the secretary of state.

~~((15))~~ (17) "Signed" means hand-written, or, if the secretary adopts rules facilitating electronic filing that pertain to this chapter, in the manner prescribed by those rules.

~~((16))~~ (18)(a) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

~~((a))~~ (i) Any appeal is made for any charitable purpose; ~~((or~~
~~(b))~~ (ii) The name of any charitable organization is used as an inducement for consummating the sale; or

~~((c))~~ (iii) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

(b) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(c) "Solicitation" does not include bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission ~~((are specifically excluded and shall not be deemed a solicitation under this chapter)).~~

Sec. 3. RCW 19.09.075 and 2002 c 74 s 2 are each amended to read as follows:

An application for registration as a charitable organization shall be submitted in the form prescribed by rule by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the charitable organization;

(2) The name(s) under which the organization will solicit contributions;

(3) The name, address, and telephone number of the officers or persons accepting responsibility for the organization;

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the organization;

(6)(a) Whether the organization is exempt from federal income tax; and if so the organization shall attach to its application a copy of the letter by which the internal revenue service granted such status; and

(b) The name and address of the entity that prepares, reviews, or audits the financial statement of the organization;

(7) A solicitation report of the organization for the preceding accounting year including:

(a) The ~~(number and)~~ types of solicitations conducted;

(b) The total dollar value of ~~((support))~~ contributions received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses; and

(d) The name, address, and telephone number of any commercial fund raiser used by the organization;

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305; and

(9) The total revenue of the preceding fiscal year.

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The solicitation report required to be submitted under subsection (7) of this section shall be in the form prescribed by rule by the secretary, or as agreed to by the secretary and a charitable organization ~~((or a group of charitable organizations. A consolidated application for registration may, at the option of the charitable organization, be submitted by a parent organization for itself and any or all of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington.~~

~~The application shall be signed by)).~~ The president, treasurer, or comparable officer of the organization must sign and date the application. The application shall be submitted with a nonrefundable filing fee which shall be in an amount to be established by the secretary by rule. In determining the amount of this application fee, the secretary may consider factors such as the entity's annual budget and its federal income tax status. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

~~((The secretary shall notify the director of veterans' affairs upon receipt of an application for registration as a charitable organization from an entity that purports to raise funds to benefit veterans of the United States military services. The director of veterans' affairs may advise the secretary and the attorney general of any information, reports, or complaints regarding such an organization.))~~

Sec. 4. RCW 19.09.076 and 1994 c 287 s 1 are each amended to read as follows:

(1) The application requirements of RCW 19.09.075 do not apply to ~~((the following))~~:

~~((+))~~ (a) Any charitable organization raising less than an amount as set by rule adopted by the secretary in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

~~((2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:~~

~~(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;~~

~~(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and~~

~~(c) Such federal income tax forms as may be required by rule of the secretary.))~~

(b) Political organizations; or

(c) Appeals for funds on behalf of a specific individual named in the solicitation, but only if all of the proceeds of the solicitation are given to or expended for the direct benefit of that individual.

(2) All entities soliciting ~~((charitable donations))~~ contributions for charitable purposes shall comply with the requirements of RCW 19.09.100.

Sec. 5. RCW 19.09.079 and 1993 c 471 s 5 are each amended to read as follows:

An application for registration as a commercial fund raiser shall be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the commercial fund-raising entity;

(2) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the commercial fund-raising entity;

(3) The name, address, and telephone number of the individual responsible for the activities of the commercial fund-raising entity in Washington;

(4) ~~((A list of states and Canadian provinces in which fund raising has been performed;~~

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~~((5)))~~ The names of the three officers or employees receiving the greatest amount of compensation from the commercial fund-raising entity;

~~((6)))~~ (5) The name and address of the entity that prepares, reviews, or audits the financial statement of the organization;

~~((7)))~~ (6) A solicitation report of the commercial fund-raising entity for the preceding accounting year, including:

(a) The ~~((number and))~~ types of fund raising services conducted;

(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;

(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the commercial fund raiser, affiliate of the commercial fund raiser, or any entity retained by the commercial fund raiser; and

(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the commercial fund raiser;

~~((8)))~~ (7) The name, address, and telephone number of any commercial fund raiser that was retained in the conduct of providing fund raising services; and

~~((9)))~~ (8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the commercial fund raiser and shall be submitted with a nonrefundable fee in an amount to be established by rule of the secretary. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 6. RCW 19.09.085 and 1993 c 471 s 6 are each amended to read as follows:

(1) Registration under this chapter shall be effective for one year or longer, as established by the secretary.

(2) Reregistration required under RCW 19.09.075 or 19.09.079 shall be submitted to the secretary no later than the date established by the secretary by rule.

(3) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through ~~((6)))~~ (9) or 19.09.079 (1) through ~~((6)))~~ (7).

(4) The secretary shall notify entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration. Failure to register shall not be excused by a failure of the secretary to mail the notice or by an entity's failure to receive the notice.

Sec. 7. RCW 19.09.097 and 1993 c 471 s 7 are each amended to read as follows:

(1) No charitable organization may contract with a commercial fund raiser for any fund raising service or activity unless its contract requires that both parties comply with the law and permits officers of the charity reasonable access to: (a) the fund raisers' financial records relating to that charitable organization; ~~((and))~~ (b) the fund raisers' operations including without limitation the right to be present during any telephone solicitation; and (c) the names of all of the fund raisers' employees or staff who are conducting fund raising or charitable solicitations on behalf of the charitable organization. In addition, the contract shall specify the amount of raised funds that the charitable organization will receive or the method of computing that amount, the amount of compensation of the commercial fund raiser or the method of computing that amount, and whether the compensation is fixed or contingent.

(2) Before a charitable organization may contract with a commercial fund raiser for any fund raising service or activity,

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the charitable organization and commercial fund raiser shall complete and file a registration form with the secretary. The registration shall be filed by the charitable organization (~~with the secretary;~~) in the form prescribed by the secretary (~~(within five working days of the execution of the contract containing;)).~~ The registration shall contain, but not be limited to, the following information:

(a) The name and registration number of the commercial fund raiser;

(b) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);

(c) The name and registration number of the charitable organization;

(d) The name of the representative of the commercial fund raiser who will be responsible for the conduct of the fund raising;

(e) The type(s) of service(s) to be provided by the commercial fund raiser;

(f) The dates such service(s) will begin and end;

(g) The terms of the agreement between the charitable organization and commercial fund raiser relating to:

(i) Amount or percentages of amounts to inure to the charitable organization;

(ii) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;

(iii) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise; and

(iv) The manner in which contributions received directly by the charitable organization, not the result of services provided by the commercial fund raiser, will be identified and used in computing the fee owed to the commercial fund raiser; and

(h) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the commercial fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

(3) A correct copy of the contract shall be filed with the secretary before the commencement of any campaign.

(4) The registration form shall be submitted with a nonrefundable filing fee in an amount to be established by rule of the secretary and shall be signed by an owner or principal officer of the commercial fund raiser and the president, treasurer, or comparable officer of the charitable organization.

Sec. 8. RCW 19.09.100 and 1994 c 287 s 2 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional

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financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

(a) The solicitation is conducted by a named commercial fund raiser, if it is;

(b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and

(c) The potential donor can obtain additional financial disclosure information at a published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number . . ."

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

(a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;

(b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if

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the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "firefighter," "firemen," or a similar name unless properly authorized by a bona fide police, sheriff, or firefighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) ~~(The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.) An entity soliciting contributions for a charitable purpose shall not include in any solicitation, or in any advertising material for a solicitation, or in any promotional plan for a solicitation, any statement that is false, misleading, or deceptive. All solicitations, advertising material, and promotional plans must fully and fairly disclose the identity of the entity on whose behalf the solicitation is made.~~

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number . . ."

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No ~~(entity)~~ charitable organization or commercial fundraiser may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17) ~~((a))~~ No entity may place a telephone call to a donor or potential donor for the purpose of charitable solicitation ~~((that will be received by the solicitee))~~ before eight o'clock a.m. or after nine o'clock p.m. pacific time.

~~((b))~~ (18) No entity may, ~~((while placing a telephone call))~~ when contacting a donor or potential donor for the purpose of charitable solicitation, engage in any conduct the natural

consequence of which is to harass, intimidate, or torment any person in connection with the ~~((telephone call))~~ contact.

~~((+8))~~ (19) Failure to comply with subsections (1) through ~~((+7))~~ (18) of this section is a violation of this chapter.

Sec. 9. RCW 19.09.210 and 1993 c 471 s 12 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization or commercial fund raiser shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to commercial fund raisers or charitable organizations.

(5) Copies of any annual or periodic reports furnished by the charitable organization~~(s)~~ of its activities during or for the same fiscal period~~((to its parent organization, subsidiaries, or affiliates, if any))~~.

Sec. 10. RCW 19.09.440 and 1993 c 471 s 42 are each amended to read as follows:

(1) Annually, the secretary of state shall publish a report indicating:

(a) For each charitable organization registered under RCW ~~((+9-065))~~ 19.09.075 the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of ~~((support received from solicitations and received from all other sources on behalf of the charitable purpose of the organization))~~ total expenditures, including the total amount of money applied to charitable purposes, fund raising costs, and administrative expenses;

(b) For each commercial fund raiser registered under RCW ~~((+9-065))~~ 19.09.079 the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the commercial fund raiser; and

(c) Such other information as the secretary of state deems appropriate.

(2) The secretary of state may use the latest information obtained pursuant to RCW 19.09.075, 19.09.079, or otherwise under chapter 19.09 RCW to prepare the report.

NEW SECTION. Sec. 11. A new section is added to chapter 19.09 RCW to read as follows:

Charitable organizations must ensure that their boards, or a committee thereof, have reviewed and accepted any financial report that the organization may be required to file with the office of the secretary. Charitable organizations must also ensure that the financial information included in the filing fairly represents, in all material respects, the financial condition and results of operations of the organization as of, and for, the periods presented to the secretary for filing. If the financial information submitted to the secretary is incorrect in any material way, the charitable organization may be subject to penalties as provided under RCW 19.09.279.

NEW SECTION. Sec. 12. A new section is added to chapter 19.09 RCW to read as follows:

The secretary may, in conjunction with the attorney general, develop and operate an education program for charitable organizations, their board members, and the general public. To the extent practicable, the secretary shall consult with the nonprofit and charitable sector and the charitable advisory council created in section 16 of this act to develop curriculum and other materials intended to educate charitable organizations, their board members, and the general public.

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NEW SECTION. Sec. 13. A new section is added to chapter 19.09 RCW to read as follows:

(1) To provide for a charitable organization education program as authorized in section 12 of this act, the secretary may establish fees on registrations for entities filing with the secretary as organizations pursuant to this chapter.

(2) The fees authorized in this section are in addition to the existing fees established by the secretary in rule for organizations required to register under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 19.09 RCW to read as follows:

The charitable organization education account is created in state treasury. All receipts from the fees authorized in section 13(1) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the charitable organization education program authorized in section 12 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 19.09 RCW to read as follows:

The secretary is authorized to adopt rules, in accordance with chapter 34.05 RCW, that establish a set of tiered independent financial reporting requirements for charitable organizations required to register with the secretary pursuant to this chapter. Rules adopted under this section shall include, but not be limited to, substantially the following:

(1) An initial filing requirement for all charitable organizations as currently required in this chapter;

(2) A financial reporting requirement for charitable organizations that have more than one million dollars in annual gross revenue averaged over the last three fiscal years. The secretary may require charitable organizations that meet this threshold to have the federal financial reporting forms the organization normally files to be completed or reviewed by a third party who normally prepares or reviews the forms in the ordinary course of their business. These forms must be submitted to the secretary; and

(3) A financial reporting requirement for charitable organizations with more than three million dollars in annual gross revenue averaged over the last three fiscal years. The secretary may require charitable organizations that meet this threshold to submit to the secretary audited financial statements prepared by an independent certified public accountant.

NEW SECTION. Sec. 16. A new section is added to chapter 19.09 RCW to read as follows:

(1) The secretary is authorized to create a charitable advisory council to consist of at least eleven, but not more than twenty-one, members. Members of a charitable advisory council shall:

(a) Be appointed by the secretary, with all members serving at the pleasure of the secretary and all terms expiring no later than the term of the appointing secretary;

(b) Represent a broad range of charities by size, purpose, geographic region of the state, and general expertise in the management and leadership of charitable organizations; and

(c) Annually vote to elect one of its members to serve as chairperson.

(2) The secretary shall not compensate members of the charitable advisory council but may provide reimbursement to members for expenses that are incurred in the conduct of their official duties.

(3) The charitable advisory council shall advise the secretary in determining training and educational needs of charitable organizations and model policies related to governance and administration of charitable organizations in accordance with fiduciary principles, assist the secretary in identifying emerging issues and trends affecting charitable organizations, and advise the secretary on other related issues at the request of the secretary.

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NEW SECTION. Sec. 17. A new section is added to chapter 19.09 RCW to read as follows:

(1) The secretary may enter into reciprocal agreements with the appropriate authority of any other state for the purpose of exchanging information with respect to charitable organizations and commercial fund raisers.

(2) Pursuant to such agreements the secretary may:

(a) Accept information filed by a charitable organization or commercial fund raisers with the appropriate authority of another state in lieu of the information required to be filed in accordance with this chapter, if the information is substantially similar to the information required under this chapter; and

(b) Grant exemptions from the requirements for the filing of annual registration statements with the office to charitable organizations organized under the laws of another state having their principal place of business outside this state whose funds are derived principally from sources outside this state and that have been exempted from the filing of registration statements by the statute under whose laws they are organized if such a state has a statute similar in substance to this chapter.

(3) The secretary may adopt rules relating to reciprocal agreements consistent with this section.

NEW SECTION. Sec. 18. RCW 19.09.095 (Subsidiary organizations--Requirement to register--Exemptions) and 1986 c 230 s 9 & 1983 c 265 s 6 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Substitute House Bill No. 1777.

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

MOTION

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

On page 1, line 2 of the title, after "public;" strike the remainder of the title and insert "amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.100, 19.09.210, and 19.09.440; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095."

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 1777 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1777 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1777 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

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

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Zarelli - 45

Absent: Senators McAuliffe and Pflug - 2

Excused: Senators Benton and Haugen - 2

SUBSTITUTE HOUSE BILL NO. 1777 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, by House Committee on Higher Education (originally sponsored by Representatives Wallace, Anderson, Chase, Jarrett, Moeller, McDermott, Priest, Haigh, Kagi, Roberts, Kenney and Conway)

Modifying the higher education coordinating board.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"PART 1 GENERAL PROVISIONS

Sec. 101. RCW 28B.76.050 and 2004 c 275 s 3 are each amended to read as follows:

The members of the board, except ~~((the chair serving on June 13, 2002, and))~~ the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term ~~((except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms))~~. The student member shall hold his or her office for a term of one year ~~((from))~~ beginning on the first day of July. ~~((The chair serving on June 13, 2002, shall serve at the pleasure of the governor.))~~

Sec. 102. RCW 28B.76.090 and 2004 c 275 s 4 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 41.06 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 41.06 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rule making, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the workforce training and education coordinating board, ~~((and))~~ the state board for community and technical colleges, and the office of the superintendent of public instruction. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

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Sec. 103. RCW 28B.76.100 and 2004 c 275 s 2 are each amended to read as follows:

(1) The board shall establish an advisory council consisting of: A representative of the superintendent of public instruction; a representative of the state board of education appointed by the state board of education; a representative of the two-year system of the state board for community and technical colleges appointed by the state board for community and technical colleges; a representative of the workforce training and education coordinating board appointed by the workforce training and education coordinating board; one representative of the research universities appointed by the president of the University of Washington and the president of Washington State University; a representative of the regional universities and The Evergreen State College appointed through a process developed by the council of presidents; a representative of the faculty for the four-year institutions appointed by the council of faculty representatives; a representative of the proprietary schools appointed by the federation of private career schools and colleges; a representative of the independent colleges appointed by the independent colleges of Washington; and a faculty member in the community and technical college system appointed by the state board for community and technical colleges in consultation with the faculty unions.

(2) The members of the advisory council shall each serve a two-year term ~~((except for the superintendent of public instruction, whose term is concurrent with his or her term of office))~~.

(3) The board shall meet with the advisory council at least quarterly and shall seek advice from the council regarding the board's discharge of its statutory responsibilities.

PART 2 POLICY AND PLANNING

Sec. 201. RCW 28B.76.200 and 2004 c 275 s 6 are each amended to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies measurable goals and priorities for the system of higher education in Washington state for a ten-year time period. The board shall update the statewide strategic master plan every four years. The plan shall address the goals of: (a) Expanding access; (b) using methods of educational delivery that are efficient, cost-effective, and productive to deliver modern educational programs; and (c) using performance measures to gauge the effectiveness of the state's progress towards meeting its higher education goals. The plan shall encompass all sectors of higher education, including the two-year system, workforce training, the four-year institutions, and financial aid. The board shall also specify strategies for ~~((maintaining and))~~ expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the workforce training and education coordinating board, the superintendent of public instruction, ~~((and))~~ the independent higher education institutions, the business sector, and labor. The board shall identify and utilize models of regional planning and decision making before initiating a statewide planning process. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall review role and mission statements for each of the four-year institutions of higher education and the community and technical college system. The purpose of the review is to ensure institutional roles and

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missions are aligned with the overall state vision and priorities for higher education.

(4) In assessing needs of the state's higher education system, the board ~~((may))~~ should encourage partnerships, embrace innovation, and consider ~~((and))~~, analyze, and make recommendations concerning the following information:

(a) Demographic, social, economic, and technological trends and their impact on service delivery for a twenty-year horizon;

(b) The changing ethnic composition of the population and the special needs arising from those trends;

(c) Business and industrial needs for a skilled workforce;

(d) College attendance, retention, transfer, graduation, and dropout rates;

(e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; ~~((and))~~

(f) Needs and demands for nontraditional populations including, but not limited to, adult learners; and

(g) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following access and educational delivery items:

(a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet ~~((those needs))~~ the goal of expanding access;

(b) State ~~((or))~~ and regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;

(c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;

(d) State ~~((or))~~ and regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;

(e) Recommended tuition and fees policies and levels; and

(f) Priorities and recommendations including increased transparency on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, ~~((2003))~~ 2007, the board shall submit an ~~((interim))~~ update of the ten-year statewide strategic master plan for higher education to the governor and the legislature. The ~~((interim))~~ updated plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the ~~((interim))~~ updated plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan. The board shall report annually to the governor and the legislature on the progress being made by the institutions of higher education and the state to implement the strategic master plan.

(8) Each four-year institution shall develop an institution-level ten-year strategic plan that implements the vision, goals,

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and strategies within the statewide strategic master plan for higher education based on the institution's role and mission. Institutional strategic plans shall ~~((also))~~ encourage partnerships, embrace innovation, and contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities with attention given to the goals and strategies of increased access and program delivery methods. The board shall review the institution-level plans to ensure the plans are aligned with and implement the statewide strategic master plan for higher education and shall periodically monitor institutions' progress toward achieving the goals and priorities within their plans.

(9) The board shall also review the comprehensive master plan prepared by the state board for community and technical colleges for the community and technical college system under RCW 28B.50.090 to ensure the plan is aligned with and implements the statewide strategic master plan for higher education.

Sec. 202. RCW 28B.76.210 and 2004 c 275 s 7 are each amended to read as follows:

(1) The board shall collaborate with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the workforce training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.

(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities to the institutions and the state board for community and technical colleges. The institutions and the state board for community and technical colleges shall submit an outline of their proposed budgets ~~((, identifying major components, to the board no later than August 1st of each even-numbered year))~~ to the board no later than July 1st of each even-numbered year. Pursuant to guidelines developed by the board, operating budget outlines submitted by the institutions and the state board for community and technical colleges after January 1, 2007, shall include all policy changes and enhancements that will be requested by the institutions and the state board for community and technical colleges in their respective biennial budget requests. Operating budget outlines shall include a description of each policy enhancement, the dollar amount requested, and the fund source being requested. Capital budget outlines shall include the prioritized ranking of the capital projects being requested by two-year and four-year institutions, respectively. A description of each capital project, and the amount and fund source being requested, shall be included for each capital project appearing in the prioritized ranking. The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.76.200.

(4) The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before ~~((November))~~ October 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board

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shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st.

**PART 3
MISCELLANEOUS**

NEW SECTION. **Sec. 301.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 302.** Section 102 of 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."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Engrossed Substitute House Bill No. 1883.

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

MOTION

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

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 28B.76.050, 28B.76.090, 28B.76.100, 28B.76.200, and 28B.76.210; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1883 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1883 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1883 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Kastama - 1

Excused: Senators Benton and Haugen - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Kastama: While in discussion on other pending legislation, I inadvertently missed the vote on final passage of Engrossed Substitute House Bill No. 1883, which changes the

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Higher Education Coordinating Board master plan process and review of institution's budgets. I support the bill and want the Journal to reflect that I would have voted "Yes" on the final passage of Engrossed Substitute House Bill No. 1883.

SENATOR KASTAMA, 25th Legislative District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Bailey, Crouse, Sells, Moeller and Simpson)

Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1649.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Benton, Eide and Haugen - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1549, by Representatives Linville, Kristiansen, Ericksen, McCune and Dunn

Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax.

The measure was read the second time.

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MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1549.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1549 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Eide and Haugen - 2

HOUSE BILL NO. 1549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 2034 which had been deferred on third reading April 5, 2007.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2034 was returned to second reading for the purpose of amendment.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person who is deprived of his or her motor vehicle because of a violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 may file an action in superior court against the perpetrator for the recovery of actual damages, limited to the value of any damage to the vehicle and any property stolen from the vehicle, civil damages of up to five thousand dollars, and the costs of the suit, including reasonable attorneys' fees.

(2)(a) Except as provided in (b) of this subsection, service of any summons or other process under this section shall be by personal service.

(b)(i) If the defendant cannot be found after a due and diligent search, the defendant's violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 shall be deemed to constitute an appointment by the defendant of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her under this section. The plaintiff shall perform the service allowed under this subsection (2)(b)(i) by leaving two copies of the summons or other process with the secretary of state or at the secretary of state's office. Service in

this manner constitutes sufficient and valid personal service upon the defendant.

(ii) After performing service under (b)(i) of this subsection, the plaintiff shall promptly send notice of service under (b)(i) of this subsection and a copy of the summons or process to the defendant by registered mail, with return receipt requested, to the defendant's last known address. After complying with this subsection (2)(b)(ii), the plaintiff shall file the following with the secretary of state to be attached to the summons or process filed under (b)(i) of this subsection:

(A) An affidavit from the plaintiff attesting to compliance with (b)(ii) of this subsection; and

(B) An affidavit from the plaintiff's attorney that he or she has, with due diligence, attempted to serve personal process upon the defendant at all addresses known to him or her and listing the addresses at which he or she attempted to personally serve the defendant. However, if the defendant's endorsed return receipt is received, then the affidavit need only show that the defendant received personal service by mail.

(iii) The secretary of state shall send, by prepaid mail, a copy of the summons or process received under (b)(i) of this subsection to the defendant's address, if known. The secretary of state shall keep a record that shows the day of service of all summons and processes made under (b)(i) of this subsection.

(iv) The court in which an action is brought under this section may order continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action.

(v) The secretary of state may charge a fee for his or her services under (b) of this subsection. The fee shall be part of the costs of suit that may be awarded to the plaintiff.

(3) The department of licensing shall suspend the driver's license or driving privilege of a defendant until any monetary obligation imposed under subsection (1) of this section is paid in full, unless the defendant has entered into a payment plan under subsection (4) of this section.

(4) If the court determines that a person is not able to pay a monetary obligation made under subsection (1) of this section in full, the court may enter into a payment plan with the person. If the person fails to meet the obligations of the payment plan, the court may modify or revoke the plan and order the defendant to pay the obligation in full. If the court revokes the plan, it shall notify the department of licensing and the department of licensing shall suspend the driver's license or driving privilege of the defendant until the monetary obligation is paid in full.

(5) The court shall notify the department of licensing when the monetary obligation of a defendant whose license is suspended under this section is paid in full.

Sec. 2. RCW 46.20.291 and 1998 c 165 s 12 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or section 1 of this act;

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(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW ((46.20.336)) 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2034.

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

MOTION

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

On page 1, line 2 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 46.20.291; adding a new section to chapter 9A.56 RCW; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2034 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2034 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2034 as amended by the Senate as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Poulsen, Regala and Weinstein - 3

Excused: Senators Haugen and McAuliffe - 2

HOUSE BILL NO. 2034 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, by House Committee on Finance (originally sponsored by Representatives Grant, Linville, Simpson and Bailey)

Exempting persons engaged in farming and certain farming services from business and occupation taxation. Revised for 1st

Substitute: Providing excise tax relief for certain farm services.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to any:

(a) Person performing custom farming services for a farmer, when the person performing the custom farming services is: (i) An eligible farmer; or (ii) at least fifty percent owned by an eligible farmer; or

(b) Person performing farm management services, contract labor services, services provided with respect to animals that are agricultural products, or any combination of these services, for a farmer or for a person performing custom farming services, when the person performing the farm management services, contract labor services, services with respect to animals, or any combination of these services, and the farmer or person performing custom farming services are related.

(2) The definitions in this subsection apply throughout this section.

(a) "Custom farming services" means the performance of specific farming operations through the use of any farm machinery or equipment, farm implement, or draft animal, together with an operator, when: (i) The specific farming operation consists of activities directly related to the growing, raising, or producing of any agricultural product to be sold or consumed by a farmer; and (ii) the performance of the specific farming operation is for, and under a contract with, or the direction or supervision of, a farmer. "Custom farming services" does not include the custom application of fertilizers, chemicals, or biologicals.

For the purposes of this subsection (2)(a), "specific farming operation" includes specific planting, cultivating, or harvesting activities, or similar specific farming operations. The term does not include veterinary services as defined in RCW 18.92.010; farrier, boarding, training, or appraisal services; artificial insemination or stud services, agricultural consulting services; packing or processing of agricultural products; or pumping or other waste disposal services.

(b) "Eligible farmer" means a person who is eligible for an exemption certificate under RCW 82.08.855 at the time that the custom farming services are rendered, regardless of whether the person has applied for an exemption certificate under RCW 82.08.855.

(c) "Farm management services" means the consultative decisions made for the operations of the farm including, but not limited to, determining which crops to plant, the choice and timing of application of fertilizers and chemicals, the horticultural practices to apply, the marketing of crops and livestock, and the care and feeding of animals.

(d) "Related" means having any of the relationships specifically described in section 267(b) (1), (2), and (4) through (13) of the internal revenue code, as amended or renumbered as of January 1, 2007.

"NEW SECTION, Sec. 2. A new section is added to chapter 82.16 RCW to read as follows:

(1) This chapter shall not apply to any person hauling agricultural products or farm machinery or equipment for a farmer or for a person performing custom farming services, when the person providing the hauling and the farmer or person performing custom farming services are related.

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(2) The exemption provided by this section shall not apply to the hauling of any substances or articles manufactured from agricultural products. For the purposes of this subsection, "manufactured" has the same meaning as "to manufacture" in RCW 82.04.120.

(3) The definitions in RCW 82.04.213 and section 1 of this act apply to this section.

NEW SECTION. **Sec. 3.** This act takes effect August 1, 2007.

NEW SECTION. **Sec. 4.** This act expires December 31, 2020."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2352.

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

MOTION

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

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 2352 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2352 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2352 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 42

Voting nay: Senators Fairley, Kauffman, Regala, Tom and Weinstein - 5

Excused: Senators Haugen and McAuliffe - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

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SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9153, Neil McReynolds; Gubernatorial Appointment No. 9154, Kris Mikkelsen; Gubernatorial Appointment No. 9182, Paul Tanaka; and Gubernatorial Appointment No. 9198, Inez Zozaya-Geist as members of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Schoesler spoke in favor of the motion.

MOTION

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

APPOINTMENT OF NEIL MCREYNOLDS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9153, Neil McReynolds; Gubernatorial Appointment No. 9154, Kris Mikkelsen; Gubernatorial Appointment No. 9182, Paul Tanaka and Gubernatorial Appointment No. 9198, Inez Zozaya-Geist as members of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9153, Neil McReynolds as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Carrell, Haugen and McCaslin - 3

APPOINTMENT OF KRIS MIKKELSEN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9154, Kris Mikkelsen as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Carrell, Haugen and McCaslin - 3

APPOINTMENT OF PAUL TANAKA

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9182, Paul Tanaka as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46;

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Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Carrell, Haugen and McCaslin - 3

APPOINTMENT OF INEZ ZOZAYA-GEIST

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9198, Inez Zozaya-Geist as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Carrell, Haugen and McCaslin - 3

Gubernatorial Appointment No. 9153, Neil McReynolds; Gubernatorial Appointment No. 9154, Kris Mikkelsen; Gubernatorial Appointment No. 9182, Paul Tanaka; and Gubernatorial Appointment No. 9198, Inez Zozaya-Geist having received the constitutional majority were declared confirmed as members of the Board of Trustees, Eastern Washington University.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Senator Marilyn Rasmussens's family who were seated in the gallery.

SECOND READING

ENGROSSED HOUSE BILL NO. 1898, by Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby

Providing apprenticeship utilization requirements for school district public works projects.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 2, line 33, after "district" insert ", or to any project funded in whole or in part by bond issues approved before July 1, 2007"

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

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Engrossed House Bill No. 1898.

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

MOTION

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

On page 1, line 13, after "apprentices", insert "or trainees"

On page 2, after line 6, insert the following:

"(6) "Trainee" means a worker participating in a training program.

(7) "Training program" means a formal training program conducted by an employer and approved by the awarding agency or school district, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016."

On page 2, line 37, after "apprentices" insert "or trainees"

On page 3, line 4, after "apprentices" insert "or trainees"

On page 3, line 8, after "apprentices" insert "or trainees"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 13 to Engrossed House Bill No. 1898.

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

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

On page 3, line 23, after "(3)", strike "The" and insert "((The)) A school district or the"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 3, line 23 to Engrossed House Bill No. 1898.

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

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1898 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Clements spoke against passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1898 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1898 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 34

Voting nay: Senators Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 14

Excused: Senator McCaslin - 1

ENGROSSED HOUSE BILL NO. 1898 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to make an announcement actually to the Senate. It's a very happy day at our household. This morning, a little after 6 o'clock in the morning, my number ninth grandchild, Jack Roach, was born. And he's about 7lbs 9oz. His parents are my son, First Lieutenant John Roach is the member of the United States Air Force. He's in the JAG Corps and he is away. He was away for the birth and then my beautiful, wonderful, daughter-in-law, Claire Harris-Roach. Claire just finished her master's degree in dietetics at the University of Washington and little Jack was born at the University of Washington hospital. I wanted to share this with you all because it's a beautiful thing when we watch our families ebban flow. And for all of us we have these moments and I wanted to tell you how happy I am that we have Jack with us and that everything went well. I look forward to a wonderful time having him with our family. Thank you very much."

SECOND READING

HOUSE BILL NO. 1430, by Representatives Pettigrew, Haler, Kenney, Chase, P. Sullivan and Linville

Clarifying how cities, towns, counties, public corporations, and port districts may participate in the federal new markets tax credit program.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.735 and 1995 c 212 s 2 are each amended to read as follows:

(1) The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for a city, town, county, or public corporation. The provisions of RCW 35.21.730 through

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35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW 35.21.730 through 35.21.755.

(2) All cities, towns, counties, and public corporations shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend, or cause to be received and expended by a custodian or trustee, federal or private funds for any lawful public purpose. Pursuant to any such agreement, a city, town, county, or public corporation may issue bonds, notes, or other evidences of indebtedness that are guaranteed or otherwise secured by funds or other instruments provided by or through the federal government or by the federal government or an agency or instrumentality thereof under section 108 of the housing and community development act of 1974 (42 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay and reimburse for any liability thereon any guarantor of any such bonds, notes, or other evidences of indebtedness issued by such jurisdiction or public corporation, or issued by any other public entity. For purposes of this subsection, federal housing mortgage insurance shall not constitute a federal guarantee or security.

(3) A city, town, county, or public corporation may pledge, as security for any such bonds, notes, or other evidences of indebtedness or for its obligations to repay or reimburse any guarantor thereof, its right, title, and interest in and to any or all of the following: (a) Any federal grants or payments received or that may be received in the future; (b) any of the following that may be obtained directly or indirectly from the use of any federal or private funds received as authorized in this section: (i) Property and interests therein, and (ii) revenues; (c) any payments received or owing from any person resulting from the lending of any federal or private funds received as authorized in this section; (d) any proceeds under (a), (b), or (c) of this subsection and any securities or investments in which (a), (b), or (c) of this subsection or proceeds thereof may be invested; (e) any interest or other earnings on (a), (b), (c), or (d) of this subsection.

(4) A city, town, county, or public corporation may establish one or more special funds relating to any or all of the sources listed in subsection (3)(a) through (e) of this section and pay or cause to be paid from such fund the principal, interest, premium if any, and other amounts payable on any bonds, notes, or other evidences of indebtedness authorized under this section, and pay or cause to be paid any amounts owing on any obligations for repayment or reimbursement of guarantors of any such bonds, notes, or other evidences of indebtedness. A city, town, county, or public corporation may contract with a financial institution either to act as trustee or custodian to receive, administer, and expend any federal or private funds, or to collect, administer, and make payments from any special fund as authorized under this section, or both, and to perform other duties and functions in connection with the transactions authorized under this section. If the bonds, notes, or other evidences of indebtedness and related agreements comply with subsection (6) of this section, then any such funds held by any such trustee or custodian, or by a public corporation, shall not constitute public moneys or funds of any city, town, or county and at all times shall be kept segregated and set apart from other funds.

(5) For purposes of this section, "lawful public purpose" includes, without limitation, any use of funds, including loans thereof to public or private parties, authorized by the agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under the federal laws and regulations pertinent to such agreements.

(6) If any such federal or private funds are loaned or granted to any private party or used to guarantee any obligations of any private party, then any bonds, notes, other evidences of

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indebtedness issued or entered into for the purpose of receiving or causing the receipt of such federal or private funds, and any agreements to repay or reimburse guarantors, shall not be obligations of any city, town, or county and shall be payable only from a special fund as authorized in this section or from any of the security pledged pursuant to the authority of this section, or both. Any bonds, notes, or other evidences of indebtedness to which this subsection applies shall contain a recital to the effect that they are not obligations of the city, town, or county or the state of Washington and that neither the faith and credit nor the taxing power of the state or any municipal corporation or subdivision of the state or any agency of any of the foregoing, is pledged to the payment of principal, interest, or premium, if any, thereon. Any bonds, notes, other evidences of indebtedness, or other obligations to which this subsection applies shall not be included in any computation for purposes of limitations on indebtedness. To the extent expressly agreed in writing by a city, town, county, or public corporation, this subsection shall not apply to bonds, notes, or other evidences of indebtedness issued for, or obligations incurred for, the necessary support of the poor and infirm by that city, town, county, or public corporation.

(7) Any bonds, notes, or other evidences of indebtedness issued by, or reimbursement obligations incurred by, a city, town, county, or public corporation consistent with the provisions of this section but prior to May 3, 1995, and any loans or pledges made by a city, town, or county in connection therewith substantially consistent with the provisions of this section but prior to May 3, 1995, are deemed authorized and shall not be held void, voidable, or invalid due to any lack of authority under the laws of this state.

(8) All cities, towns, counties, public corporations, and port districts may create partnerships and limited liability companies and enter into agreements with public or private entities, including community preservation and development authorities as authorized under sections 3 through 10 of this act, and including partnership agreements and limited liability company agreements, to implement within their boundaries the federal new markets tax credit program established by the community renewal tax relief act of 2000 (26 U.S.C. Sec. 45D) or its successor statute.

NEW SECTION. Sec. 2. The authority granted by RCW 35.21.735 is additional and supplemental to any other authority of any city, town, county, public corporation, or port district. This act may not be construed to imply that any of the power or authority granted in this act was not available to any city, town, county, public corporation, or port district under prior law. Any previous actions consistent with this act are ratified and confirmed.

NEW SECTION. Sec. 3. (1) Major public facilities, public works, and capital projects with significant public funding generally aim to accrue broad benefits to the people of Washington. However, sometimes the interest of the stakeholder community that bears the disproportionate cost of the broad public benefit by absorbing a deleterious impact upon itself is overlooked or inadequately addressed. These impacts may include dislocation, displacement, and the overall disintegration of an identifiable existing community and its historical and cultural character. The legislature finds that the preservation and restoration of the character of such a community, and the community's historical and cultural character, are important public policy goals that can be achieved through the creation of community preservation and development authorities.

(2) Community preservation and development authorities are hereby created to restore or enhance the health, safety, and economic well-being of communities adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding.

(3) Community preservation and development authorities have the following purposes:

(a) To revitalize, enhance, and preserve the unique character of impacted communities;

(b) To mitigate the adverse effects of multiple major public facilities projects, public works projects, or capital projects with significant public funding, or a secure community transition facility as defined in RCW 71.09.020(14);

(c) To restore a local area's sense of community;

(d) To reduce the displacement of community members and businesses;

(e) To stimulate the community's economic vitality;

(f) To enhance public service provisions;

(g) To improve the standard of living of community members; and

(h) To preserve historic buildings or areas by returning them to economically productive uses that are compatible with or enhance their historic character.

NEW SECTION. Sec. 4. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community" means a group of people who reside or work in the geographic area established by the community preservation and development authority board or the proposal to create the authority and who currently or historically share a distinct cultural identity or local history.

(2) "Community preservation and development authority" or "authority" means an authority created by members of an impacted community.

(3) "Constituency" means the general membership of the community preservation and development authority, which membership shall be open to all persons eighteen years of age and over who are residents, property owners, employees, or business persons within the geographic boundaries established by the authority or the proposal to create the authority.

(4) "Impacted community" means a community that has been adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding.

(5) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars. On July 1, 2009, and on July 1st of each odd-numbered year thereafter, the capital project cost threshold shall be adjusted by the capital project cost adjustment factor for inflation established by the office of financial management.

NEW SECTION. Sec. 5. (1) The residents, property owners, employees, or business owners of an impacted community may propose formation of a community preservation and development authority to the state legislative delegation representing the area in which the community is located. The proposal to form a community preservation and development authority must be presented in writing to the appropriate legislative committee in both the house of representatives and the senate. The proposal must contain proposed general geographic boundaries that will be used to define the community for the purposes of the authority. Proposals presented after January 1, 2008, must identify in its proposal one or more stable revenue sources that (a) have a nexus with the multiple publicly funded facilities that have adversely impacted the community, and (b) can be used to support future operating or capital projects that will be identified in the strategic plan required under section 7 of this act.

(2) Formation of the community preservation and development authority is subject to legislative authorization by statute. The legislature must find that (a) the area within the proposal's geographic boundaries meets the definition of "impacted community" contained in section 4(4) of this act and (b) those persons that have brought forth the proposal are members of the community as defined in section 4(1) of this act and, if the authority were approved, would meet the definition of

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constituency contained in section 4(3) of this act. For proposals brought after January 1, 2008, the legislature must also find that the community has identified one or more stable revenue sources as required in subsection (1) of this section. The legislature may then act to authorize the establishment of the community preservation and development authority in law.

(3) The affairs of a community preservation and development authority shall be managed by a board of directors, consisting of the following members:

(a) Two members who own, operate, or represent businesses within the community;

(b) Two members who are involved in providing nonprofit community or social services within the community;

(c) Two members who are involved in the arts and entertainment within the community;

(d) Two members with knowledge of the community's culture and history; and

(e) One member who is involved in a nonprofit or public planning organization that directly serves the impacted community.

(4) No member of the board shall hold office for more than four years. Board positions shall be numbered one through nine, and the terms staggered as follows:

(a) Board members elected to positions one through five shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(b) Board members initially elected to positions six through nine shall serve a three-year term only.

(c) Board members elected to positions six through nine after the initial three-year term shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(5) With respect to an authority's initial board of directors: The state legislative delegation and those proposing formation of the authority shall jointly establish a committee to develop a list of candidates to stand for election once the authority has received legislative approval as established in subsection (2) of this section. For the purpose of developing the list and identifying those persons who meet the criteria in subsection (3)(a) through (e) of this section, community shall mean the proposed geographic boundaries as set out in the proposal. The board of directors shall be elected by the constituency during a meeting convened for that purpose by the state legislative delegation.

(6) With respect to subsequent elections of an authority's board of directors: A list of candidates shall be developed by the authority's existing board of directors and the election shall be held during the annual local town hall meeting as required in section 7 of this act.

NEW SECTION. Sec. 6. (1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities;

(b) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(c) Buy, own, lease, and sell real and personal property;

(d) Hold in trust, improve, and develop land;

(e) Invest, deposit, and reinvest its funds;

(f) Incur debt in furtherance of its mission;

(g) Lend its funds, property, credit, or services for corporate purposes; and

(h) Exercise such additional powers as may be authorized by law.

(2) A community preservation and development authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

NEW SECTION. Sec. 7. A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic

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boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to promote the health, safety, and economic well-being of the impacted community and to preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components that address one or more of the purposes under section 3(3) of this act;

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments to carry out projects identified in the strategic plan. Projects may include but are not limited to those that: (a) Enhance public safety; (b) reduce community blight; (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and (d) address other purposes identified in section 3(3) of this act; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs.

NEW SECTION. Sec. 8. The legislature finds that the Pioneer Square-International District within the city of Seattle meets the requirements contained in section 5(2) of this act, and that formation of a community preservation and development authority has been proposed to the appropriate state legislative delegation as authorized in section 5(1) of this act. Therefore, the legislature authorizes the establishment of the Pioneer Square-International District community preservation and development authority.

NEW SECTION. Sec. 9. The community preservation and development authority account is created in the state treasury. The account is composed of two subaccounts, one for moneys to be appropriated for operating purposes, and the other for moneys to be appropriated for capital purposes. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for projects under this chapter.

NEW SECTION. Sec. 10. Prior to making siting, design, and construction decisions for future major public facilities, public works projects, or capital projects with significant public funding, state and local government agencies shall to the extent possible:

(1) Communicate and consult with the community preservation and development authority and impacted community, including assessing the compatibility of the proposed project with the strategic plan adopted by the authority; and

(2) Make reasonable efforts to ensure that negative, cumulative effects of multiple projects upon the impacted community are minimized.

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NEW SECTION. Sec. 11. 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. 12. Sections 3 through 10 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 35.21.735; adding a new chapter to title 43 RCW; and creating a new section."

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. I believe this amendment is not in scope for this bill. While the title of House Bill No. 1430 is broadly stated as: 'An Act related to financing, community and economic development' The entire purpose of this bill is extremely limited to enabling existing local governments to participate in the federal new markets tax credit program. The entire purpose of the federal new markets tax program is focused narrowly on stimulating private investment in low-income communities by creating a federal tax incentive to increase the flow of investment capital into such low-income areas. This amendment extends beyond the scope of this bill. The primary purpose of this amendment is to create an entirely new local government entity. The purpose of the authority that is created in this striker is focused on helping those communities that have negatively impacted by major public works or capital projects regain their sense of community and is not narrowly focused on stimulating new investment in low-income communities, which is entire purpose of the federal new markets tax credit program, which is the only issue underlying bill deals with. While a new provisions in the striker do address the general idea of community and economic development and so could arguably fit under the title of the bill, that is only a small part of the over all purpose of the entirely new governmental entity that is created in the striker and therefore the striker, as a whole, does not fit under the narrow purpose of the underlying bill."

Senator Eide spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1430 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2361, by House Committee on Commerce & Labor (originally sponsored by Representative Conway)

Regarding collective bargaining for certain employees of institutions of higher education and related boards.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 38

Voting nay: Senators Clements, Delvin, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Schoesler, Stevens and Swecker - 10
Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 2361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, by House Committee on Appropriations (originally sponsored by Representatives Wallace, Anderson, Sells, Hinkle, Roberts, Warnick, Buri, B. Sullivan, Priest, Hasegawa and Dunn)

Increasing the operating fee waiver authority for Central Washington University.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1497.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1497 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, 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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HOUSE BILL NO. 1676, by Representatives Fromhold, Curtis, Moeller, Orcutt, Wallace, Dunn, Santos and Simpson

Allowing public utility districts to disburse low-income energy assistance contributions.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 1676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1676.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1676 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin - 1

HOUSE BILL NO. 1676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, by House Committee on Transportation (originally sponsored by Representatives Conway, Crouse, Fromhold, Kenney, Ericks, Ormsby, Simpson and Moeller)

Establishing contribution rates in the Washington state patrol retirement system.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.45.0631 and 2006 c 94 s 2 are each amended to read as follows:

(1) The allocation of costs between the employer and members of the Washington state patrol retirement system shall be made only after the application of any minimum total contribution rate that may be in effect for the system under subsection (4) of this section. For benefit improvements effective on or after July 1, 2007, costs shall be shared equally by members and the employer, and any cap on member contributions shall be adjusted accordingly. The member contribution rate shall be based on the adjusted total contribution rate described in subsection (2) of this section. Beginning July 1, ((2007)) 2007, the required member contribution rate for members of the

Washington state patrol retirement system shall be ((two percent or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070 for the Washington state patrol retirement system, whichever is greater. The employee contribution rate shall not, however, include any increase as a result of)) the lesser of the following: (a) One-half of the adjusted total contribution rate for the system; or (b) seven percent, plus fifty percent of the contribution rate increase caused by any benefit improvements effective on or after July 1, 2007.

(2) The employer shall continue to pay for all costs attributable to distributions under RCW 43.43.270(2) for survivors of members who became disabled under RCW 43.43.040(2) prior to July 1, 2006, until such costs are fully paid. In order to avoid charging members for these costs, the total required contribution rate shall be adjusted to exclude these costs. The result of the adjustment shall be the adjusted total contribution rate that is to be used to calculate the required member contribution rate.

(3) The employer rate shall be the contribution rate required to cover all total system costs that are not covered by the member contribution rate.

(4) Beginning July 1, 2009, a minimum total contribution rate is established for the Washington state patrol retirement system. The total Washington state patrol retirement system contribution rate as adopted by the pension funding council and subject to revision by the legislature may exceed, but may not drop below, the established minimum total contribution rate. The minimum total contribution rate shall equal the total contribution rate required to fund seventy percent of the Washington state patrol retirement system's normal cost as calculated under the entry age normal cost method. Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of this minimum total contribution rate and recommend to the legislature any adjustments as may be needed.

NEW SECTION. Sec. 2. If both Senate Bill No. 6129 and Substitute Senate Bill No. 5937 are not enacted by June 30, 2007, this act is null and void.

NEW SECTION. Sec. 3. 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 July 1, 2007."

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1260.

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

MOTION

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

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.45.0631; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 1260 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1260 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1260 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1802, by House Committee on Health Care & Wellness (originally sponsored by Representatives Darneille, Kenney, Dickerson, Hankins, Linville, Cody, Roberts, Appleton, Schual-Berke, Walsh, Santos, Wallace, Haigh, Simpson, Green, Clibbom, Warnick, Rolfes, Morrell, Pettigrew, Bailey, Lantz, Eddy, Sommers, Kessler, Kagi, Skinner, McDonald, Chase, Hudgins, Hasegawa, Pedersen, Ericks, Goodman and Moeller)

Providing information about the human papillomavirus disease and vaccine.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.210.080 and 2005 c 404 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with information about meningococcal disease and its vaccine at

the beginning of every school year. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with information about human papillomavirus disease and its vaccine at the beginning of every school year. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available."

MOTION

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

On page 2, line 18 of the amendment, after "received" insert "; and

(iii) A clear disclosure statement on the front of the distributed material in bold-face type, in a font size at least two points larger than other font sizes on the page, that reads: "The only sure way to prevent the human papillomavirus disease is to abstain from all sexual activity"

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 2, line 18 to the committee striking amendment to Substitute House Bill No. 1802.

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

MOTION

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

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On page 2, line 18 of the amendment, after "received", insert "; and

(iii) A clear disclosure statement on the front of the distributed material in a bold-face type, in a font size at least two points larger than other font sizes on the page, that reads: "Long-term clinical trials of the human papillomavirus vaccine have not been conducted. The length of vaccine protection (immunity) is unknown"

Renumber the sections consecutively and correct any internal references accordingly.

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

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

POINT OF INQUIRY

Senator Holmquist: "Would Senator Keiser yield to a question? Thank you. I think this is definitely a worthy cause and I just wanted to clarify. This is a new requirement on school districts are we going to be paying for it? I would hate to have an unfunded mandate, so just wanted to get that clarified. I didn't have a chance to get staff to answer my question. Thank you."

Senator Keiser: "Currently all school districts provide at this grade level, sixth grade information to parents about the meningococcal vaccine and so that's already happening. It's already in place and as that notification to parents about meningococcal already is going out. This is simply a second notice-could be on the same piece of paper, in the same envelope. So there really is no additional mandate. I hope that answers your question."

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 18 to the committee striking amendment to Substitute House Bill No. 1802.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1802.

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

MOTION

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

On page 1, line 2 of the title, after "vaccine;" strike the remainder of the title and insert "and amending RCW 28A.210.080."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1802 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1802 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1802 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1802 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1896, by House Committee on Appropriations (originally sponsored by Representative Hunt)

Creating the legislative gift center committee. Revised for 2nd Substitute: Providing for a legislative gift center.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington is committed to economic development and supporting the tourism industry, and that economic development is achieved by promoting the state and the goods produced around the state. The legislature further finds that tourism is encouraged providing a memorable experience and an opportunity for visitors to take something back home with them to remind them of this experience. There are many visitors every day to the legislative building, including tourists, school children, and people from around the state visiting the state capitol. These visitors offer an opportunity for the state to showcase its products and history. Therefore, the legislature finds that a gift center in the legislative building would be an appropriate response to this opportunity, and further, that such a gift center could provide a source of revenue to help fund the oral history program and to pay for the restoration and repurchase of historical capitol furnishings.

NEW SECTION. Sec. 2. (1) There is created in the legislature a legislative gift center for the retail sale of products bearing the state seal, Washington state souvenirs, other Washington products, and other products as approved. Wholesale purchase of products for sale at the legislative gift center is not subject to competitive bidding.

(2) Governance for the legislative gift center shall be under the chief clerk of the house of representatives and the secretary of the senate. They may designate a legislative staff member as

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the lead staff person to oversee management and operation of the gift shop.

(3) The chief clerk of the house of representatives and secretary of the senate shall consult with the department of general administration in planning, siting, and maintaining legislative building space for the gift center.

(4) Products bearing the "Seal of the State of Washington" as described in Article XVIII, section 1 of the Washington state Constitution and RCW 1.20.080, must be purchased from the secretary of state pursuant to an agreement between the chief clerk of the house of representatives, the secretary of the senate, and the secretary of state.

NEW SECTION. Sec. 3. (1) The legislative gift center account is created in the custody of the state treasurer. All moneys received by the gift center from the sale of Washington state souvenirs, other Washington products, and other products as approved shall be deposited in the account. Expenditures from the account may be used only for the operations and maintenance of the gift center, including the purchase of inventory, and for other purposes as provided in this section. Only the chief clerk of the house of representatives and the secretary of the senate, or the lead staff person designated by them to oversee management and operation of the gift shop, 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.

(2) Net profits, after expenses, from the sale of Washington state souvenirs, other Washington products, and products approved by the legislative gift center, shall be deposited as provided in this subsection:

(a) Twenty-five percent in the legislative oral history account in chapter 44.04 RCW (created in Substitute House Bill No. 1741);

(b) Twenty-five percent in the oral history, state library, and archives account created in RCW 43.07.380; and

(c) Fifty percent in the capitol furnishings preservation committee account created in RCW 27.48.040.

(3) Net profits, after expenses, from the sale of items bearing the state seal by the legislative gift center shall be deposited in the capitol furnishings preservation committee account created in RCW 27.48.040. A full accounting thereof shall be provided to the secretary of state.

(4) The legislative gift center may designate special sales, the proceeds of which shall go to an account specified at the time of designation.

Sec. 4. RCW 43.04.100 and 1988 c 120 s 10 are each amended to read as follows:

All fees, penalties, and damages received under this chapter shall be paid to the secretary of state and with the exception of the filing fee authorized in RCW 43.04.040(2) shall be deposited by the secretary into the capitol (~~building construction account in the state treasury, for use in the historical restoration and completion of the legislative building~~) furnishings preservation committee account created in RCW 27.48.040.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act constitute a new chapter in Title 44 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Second Substitute House Bill No. 1896.

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

MOTION

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

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On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "amending RCW 43.04.100; and adding a new chapter to Title 44 RCW."

MOTION

On motion of Senator Fairley, the rules were suspended, Second Substitute House Bill No. 1896 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1896 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1896 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Brown - 1

Excused: Senator McCaslin - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1896 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1407, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Green)

Funding the administration of Title 50 RCW, unemployment compensation.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 10, after line 32, insert the following:

"NEW SECTION. Sec. 7. 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 July 1, 2007."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 1407.

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

MOTION

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

On page 1, line 3 of the title, after "50.16.010;" strike the remainder of the title and insert "creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1407 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1407 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1407 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Pridemore - 1

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1407 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9204, Eric Liu; and Gubernatorial Appointment No. 9205, Kristina Mayer as members of the State Board of Education, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ERIC LIU

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9204, Eric Liu; and Gubernatorial Appointment No. 9205 Kristina Mayer as members of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9204, Eric Liu as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

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Excused: Senator McCaslin - 1

APPOINTMENT OF KRISTINA MAYER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9205, Kristina Mayer as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McCaslin - 1

Gubernatorial Appointment No. 9204, Eric Liu; and Gubernatorial Appointment No. 9205, Kristina Mayer having received the constitutional majority were declared confirmed as members of the State Board of Education.

MOTION

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

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 5078,
 SENATE BILL NO. 5086,
 SUBSTITUTE SENATE BILL NO. 5087,
 SUBSTITUTE SENATE BILL NO. 5118,
 SECOND SUBSTITUTE SENATE BILL NO. 5122,
 SENATE BILL NO. 5134,
 SENATE BILL NO. 5175,
 SUBSTITUTE SENATE BILL NO. 5190,
 SENATE BILL NO. 5199,
 ENGROSSED SENATE BILL NO. 5204,
 SUBSTITUTE SENATE BILL NO. 5242,
 SUBSTITUTE SENATE BILL NO. 5250,
 SENATE BILL NO. 5273,
 SENATE BILL NO. 5398,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,
 SENATE BILL NO. 5421,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 5554,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 12:52 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 9, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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2352-S	Other Action	14
	Second Reading	13
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5039-AS		President Signed	1
President Signed	1	5640	
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President Signed	1	5711	
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5118-S		President Signed	1
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5122-S2		President Signed	1
Messages	24	5910-S	
5134		President Signed	1
Messages	24	5920-S	
5175		President Signed	1
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5190-S		President Signed	1
Messages	24	6059	
5199		President Signed	1
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5204		President Signed	1
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President Signed	1	Introduced	1
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5247		9141 Chiho Lai	
President Signed	1	Confirmed	2
5250-S		9151 Patrick McElligot	
Messages	24	Confirmed	2
5251		9153 Neil McReynolds	
President Signed	1	Confirmed	14
5273		9154 Kris Mikkelsen	
Messages	24	Confirmed	14
5292-S		9182 Paul Tanaka	
President Signed	1	Confirmed	14
5313		9198 Inez Zozaya-Geist	
President Signed	1	Confirmed	15
5389		9204 Eric Liu	
President Signed	1	Confirmed	24
5391-S		9205 Kristina Mayer	
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