

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 6, 2009

BARBARA BAKER, Chief Clerk

The Senate was called to order at 9:00 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 Brown, Haugen, Hewitt, Holmquist, Jacobsen and Jarrett.

The United States Marine Corps and the United States Navy, Color Guard consisting of Corporal Vondarious Johnson; Lance Corporal Jesse Turner; Lance Corporal Glenn Roundtree; Seaman Adam Corbett and Seaman Apprentice Crystal Brown presented the Colors. Captain Ron Brown, Chaplain of the United States Navy 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.

INTRODUCTION OF SPECIAL GUESTS

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

INTRODUCTION OF SPECIAL GUESTS

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

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409,
ENGROSSED HOUSE BILL NO. 1679,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1025,
SUBSTITUTE HOUSE BILL NO. 1067,
SUBSTITUTE HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1752,
HOUSE BILL NO. 2117,
SUBSTITUTE HOUSE BILL NO. 2208,
and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 1059,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1075,
SUBSTITUTE HOUSE BILL NO. 1090,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
SUBSTITUTE HOUSE BILL NO. 1135,
SECOND SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1202,
SUBSTITUTE HOUSE BILL NO. 1205,
SECOND SUBSTITUTE HOUSE BILL NO. 1252,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1292,
HOUSE BILL NO. 1302,
HOUSE BILL NO. 1312,
SUBSTITUTE HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1328,
SECOND SUBSTITUTE HOUSE BILL NO. 1355,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1088,
HOUSE BILL NO. 1212,
HOUSE BILL NO. 1310,
SUBSTITUTE HOUSE BILL NO. 1647,
SUBSTITUTE HOUSE BILL NO. 1864,
HOUSE BILL NO. 1997,
HOUSE BILL NO. 2146,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234,
ENGROSSED HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1414,

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1457,
HOUSE BILL NO. 1468,
HOUSE BILL NO. 1474,
SECOND SUBSTITUTE HOUSE BILL NO. 1484,
HOUSE BILL NO. 1498,
SECOND SUBSTITUTE HOUSE BILL NO. 1522,
SUBSTITUTE HOUSE BILL NO. 1529,
and the same are herewith transmitted.

new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

BARBARA BAKER, Chief Clerk

HB 1195 by Representatives Haigh, Kristiansen and Hunt

AN ACT Relating to payment of undisputed claims; and adding a new section to chapter 39.04 RCW.

MESSAGE FROM THE HOUSE

Referred to Committee on Government Operations & Elections.

March 5, 2009

MR. PRESIDENT:

EHB 1227 by Representatives Springer, Warnick, Johnson, Lias, McCune, Ormsby and Morrell

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED HOUSE BILL NO. 1499,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
SUBSTITUTE HOUSE BILL NO. 1554,
SUBSTITUTE HOUSE BILL NO. 1555,
SECOND SUBSTITUTE HOUSE BILL NO. 1580,
HOUSE BILL NO. 1640,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664,
HOUSE BILL NO. 1690,
SUBSTITUTE HOUSE BILL NO. 1692,
SUBSTITUTE HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1758,
SECOND SUBSTITUTE HOUSE BILL NO. 1762,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1802,
HOUSE BILL NO. 1818,
and the same are herewith transmitted.

AN ACT Relating to recreational vehicles used as primary residences in manufactured/mobile home communities; and amending RCW 35.21.684, 35A.21.312, and 36.01.225.

Referred to Committee on Financial Institutions, Housing & Insurance.

BARBARA BAKER, Chief Clerk

SHB 1239 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney)

AN ACT Relating to parenting plans and residential schedules in dependency proceedings; amending RCW 13.34.155; and reenacting and amending RCW 13.04.030 and 13.34.062.

Referred to Committee on Human Services & Corrections.

MOTION

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

SHB 1250 by House Committee on Capital Budget (originally sponsored by Representatives Orwall, Miloscia, Springer, Dunshee, Ormsby and Dickerson)

AN ACT Relating to allowing capital appropriations for the housing trust fund to be used for project application, review, selection, contracting, and project development; amending RCW 43.185.050; and reenacting and amending RCW 43.185.070 and 43.185A.030.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING

SB 6120 by Senators Haugen, Swecker and Fraser

AN ACT Relating to the creation of a state property tax levy dedicated to parks; amending RCW 84.52.043, 84.52.065, 79A.05.215, 84.52.068, 39.89.020, and 39.102.020; creating a new section; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

HB 1456 by Representative Dunshee

AN ACT Relating to preventing the conversion of natural resource lands; amending RCW 36.70A.350; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJM 8015 by Senators McAuliffe and Keiser

Petitioning the President and Secretary of Education to commence proceedings to engage the nation with an awakening dialogue about our education system.

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

EHB 1464 by Representatives Springer, Ormsby, Orwall, Eddy, Erick, Nelson, Kagi, Dickerson, Morrell, Wood and Goodman

AN ACT Relating to affordable housing incentive programs; and amending RCW 36.70A.540.

Referred to Committee on Financial Institutions, Housing & Insurance.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1152 by House Committee on Transportation (originally sponsored by Representatives Williams, Roach, Wallace, Orcutt, Moeller, Upthegrove, Simpson and Wood)

AN ACT Relating to providing notification stickers to drivers with certain disabilities or impairments; adding a

HB 1492 by Representatives Pedersen, Pettigrew, Haler,

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Kagi, Walsh, Darneille, Dickerson, Nelson, Moeller, Appleton, Roberts, Ormsby and Kenney

Referred to Committee on Labor, Commerce & Consumer Protection.

AN ACT Relating to the independent youth housing program; and amending RCW 43.63A.305 and 43.63A.307.

Referred to Committee on Human Services & Corrections.

ESHB 1516 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

AN ACT Relating to recovering gear used in the coastal Dungeness crab fisheries; amending RCW 63.21.080; and adding a new section to chapter 77.70 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1536 by Representatives Clibborn, Roach, Eddy, Morris and Simpson

AN ACT Relating to permits for and advertising by household goods carriers; amending RCW 81.80.010, 81.80.040, 81.80.070, 81.80.357, and 81.80.280; adding new sections to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SHB 1552 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune)

AN ACT Relating to public access at open public meetings; and amending RCW 34.05.325.

Referred to Committee on Government Operations & Elections.

SHB 1595 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

AN ACT Relating to creating a mechanism to transfer state forest lands with harvest encumbrances located in counties with a certain population to a different public land status; amending RCW 79.22.060 and 79.64.110; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1740 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Hinkle)

AN ACT Relating to issuance of licenses to practice dentistry; reenacting and amending RCW 18.32.195; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SHB 1812 by House Committee on Commerce & Labor (originally sponsored by Representatives Newhouse, Conway, Chandler, Moeller and Sullivan)

AN ACT Relating to wine labels; and amending RCW 66.28.110.

SHB 1843 by House Committee on Transportation (originally sponsored by Representatives Kagi, Rodne and Kenney)

AN ACT Relating to motor carrier regulation and compliance review; amending RCW 46.32.080, 46.32.085, 46.32.090, 46.32.100, and 46.16.615; adding a new section to chapter 46.32 RCW; and repealing 2007 c 419 s 18 (uncodified).

Referred to Committee on Transportation.

ESHB 1847 by House Committee on State Government & Tribal Affairs (originally sponsored by Representative Haigh)

AN ACT Relating to bid limits; amending RCW 28B.50.330, 28B.10.350, 35.22.620, 35.23.352, 35A.40.210, 36.32.235, 36.32.240, 36.32.250, 52.14.110, 35.61.135, 70.44.140, and 87.03.437; and reenacting and amending RCW 57.08.050.

Referred to Committee on Government Operations & Elections.

SHB 1856 by House Committee on Judiciary (originally sponsored by Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell)

AN ACT Relating to protecting victims of sexual assault, sexual harassment, and stalking; and amending RCW 59.18.570 and 59.18.575.

Referred to Committee on Human Services & Corrections.

SHB 1869 by House Committee on Health Care & Wellness (originally sponsored by Representatives Bailey, Hinkle, Anderson, Ericksen and Kelley)

AN ACT Relating to transparency of health care cost information; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1880 by Representatives Armstrong, Hunt, Appleton, Alexander and Nelson

AN ACT Relating to ballot envelopes; and amending RCW 29A.40.091.

Referred to Committee on Government Operations & Elections.

SHB 1898 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Warnick and Pearson)

AN ACT Relating to setting priorities for higher education capital projects; and amending RCW 43.88D.010.

Referred to Committee on Ways & Means.

FIFTY-FOURTH DAY, MARCH 6, 2009

SHB 1984 by House Committee on Ecology & Parks (originally sponsored by Representatives Finn, Armstrong, Uptegrove and Wood)

AN ACT Relating to motor vehicle air conditioning equipment; and amending RCW 46.37.470.

Referred to Committee on Environment, Water & Energy.

ESHB 1996 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Armstrong and Eddy)

AN ACT Relating to locating underground facilities; amending RCW 19.122.020 and 19.122.030; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

HB 2014 by Representatives Kelley, Ericksen, Green and Morrell

AN ACT Relating to tamper-resistant prescription pads; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long-Term Care.

EHB 2044 by Representatives Seaquist, Smith, Angel, Nelson, Morris, Finn, Appleton, Roberts, Rolfes, Cody and Carlyle

AN ACT Relating to Washington state ferries incident and accident investigation policies; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

ESHB 2049 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Seaquist, Appleton, Hunt, Armstrong, Chandler, Chase and Miloscia)

AN ACT Relating to personnel practices regarding exempt employment; amending RCW 41.06.133 and 41.06.170; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2129 by Representative Eddy

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.060.

Referred to Committee on Environment, Water & Energy.

HB 2142 by Representatives Roach, Santos and Priest

AN ACT Relating to school plant funding; amending RCW 28A.335.230, 28A.525.040, 28A.525.090, 28A.525.162, 28A.525.166, and 28A.525.168; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9021, Alberta B. Clarkson, as a member of the Board of Trustees, South Puget Sound Community College District No. 24, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Hewitt, Holmquist, Roach and Swecker were excused.

MOTION

On motion of Senator Regala, Senators Brown, Jarrett, McAuliffe and Oemig were excused.

APPOINTMENT OF ALBERTA B. CLARKSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9021, Alberta B. Clarkson as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9021, Alberta B. Clarkson as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Haugen and Jacobsen

Excused: Senators Brown, Hewitt, Holmquist, Jarrett, McAuliffe and Oemig

Gubernatorial Appointment No. 9021, Alberta B. Clarkson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9062, Bruce Kendall, as Chair of the Economic Development Commission, be confirmed.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator Morton was excused.

MOTION

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On motion of Senator McDermott, Senators Brown and Kilmer were excused.

MOTION

On motion of Senator Kauffman, Senators Haugen, Jacobsen and Marr were excused.

APPOINTMENT OF BRUCE KENDALL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9062, Bruce Kendall as Chair of the Economic Development Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9062, Bruce Kendall as Chair of the Economic Development Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Haugen, Hewitt, Jacobsen, Jarrett, Kilmer, McAuliffe and Oemig

Gubernatorial Appointment No. 9062, Bruce Kendall, having received the constitutional majority was declared confirmed as Chair of the Economic Development Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin moved that Gubernatorial Appointment No. 9086, Mary Moss, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator Benton was excused.

APPOINTMENT OF MARY MOSS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9086, Mary Moss as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9086, Mary Moss as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt, Jacobsen, Jarrett, McAuliffe and Oemig

Gubernatorial Appointment No. 9086, Mary Moss, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Clover Park Technical College District No. 29.

SECOND READING

SENATE BILL NO. 5401, by Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline

Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Revised for 1st Substitute: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jacobsen, Jarrett and Oemig

SUBSTITUTE SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5413, by Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr

Concerning the assault of a law enforcement officer or other employee of a law enforcement agency.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5413.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5413 and the bill passed the Senate by the following

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Rockefeller

Excused: Senators Hewitt, Jacobsen and Jarrett

SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5671, by Senators Berkey, Franklin, Shin and Haugen

Requiring annuities sold in Washington to be suitable to the age and financial situation of the purchaser. Revised for 1st Substitute: Determining the suitability of annuities sold in Washington.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5671 was substituted for Senate Bill No. 5671 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5671 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5417, by Senators Berkey, Franklin, Shin and Roach

Requiring the disclosure of information on flood insurance coverage.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5417 was substituted for Senate Bill No. 5417 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

SUBSTITUTE SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5284, by Senators Keiser, Holmquist, Kohl-Welles, Pridemore, Marr and Kauffman

Concerning truth in music advertising.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hewitt and Jarrett

SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5531, by Senators Regala, Keiser, Kohl-Welles, Kauffman, Kline, Oemig, Pridemore, Tom and Franklin

Modifying provisions relating to consumer protection act violations.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Holmquist and Honeyford spoke against passage of the bill.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Marr, Senators Brown and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller and Shin

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Hewitt, Jarrett and Tom

SUBSTITUTE SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5671 which had been deferred earlier in the day.

MOTION

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

On page 5, after line 8, insert the following:

"(10) This section does not affect the application of chapter 21.20 RCW."

Senator Berkey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 5, after line 8 to Substitute Senate Bill No. 5671.

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

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute Senate Bill No. 5671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5671.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala,

Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Hewitt, Jarrett and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5978, by Senators Haugen and Kohl-Welles

Establishing certain consumer rebate requirements.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5978 was substituted for Senate Bill No. 5978 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Kohl-Welles be adopted.

On page 1, line 13, strike "with" and insert "without".

Senator Haugen spoke in favor of adoption of the amendment.

Senator Haugen spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Kohl-Welles on page 1, line 13 to Substitute Senate Bill No. 5978.

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

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5978.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5978 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Fairley, Hewitt and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, 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.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

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

MOTION

Senator Kauffman moved adoption of the following resolution:

SENATE RESOLUTION
8615

By Senators Kauffman, Brandland, McAuliffe, Regala, Jarrett, Murray, Franklin, Sheldon, Brown, Kohl-Welles, Marr, King, Keiser, Shin, Eide, Kline, Fairley, Prentice, Berkey, Fraser, Kilmer, Hobbs, McDermott, and Hargrove

WHEREAS, Childhaven (originally Seattle Day Nursery) was one of the first child care centers in the nation, beginning in 1909, and has cared for children in the state of Washington and is celebrating 100 years; and

WHEREAS, In 1909, Reverend Mark Matthews of First Presbyterian Church, planned for and opened a day nursery to meet the needs of women who had to work because they were widowed or abandoned, or their husbands were unable to work because they were injured at work and existing on the contributions of the citizens who donated goods and volunteered their time; and

WHEREAS, In 1921, Seattle Day Nursery completed a new child care building, the first structure west of the Mississippi to be constructed specifically as a child care facility, and was also selected to be a charter member of the newly formed Community Chest (later called United Way of King County); and

WHEREAS, During World War I and World War II, when industry needed women to employ, Seattle Day Nursery served as a support system for those who worked in the shipyards, for The Boeing Company, in defense plants, and for other vital businesses in this state – setting the standard for good child care, which was becoming an industry in its own right; and

WHEREAS, In 1973, Executive Director Patrick L. Gogerty, who had an extensive background working with juvenile delinquents and realized the link between early abuse and neglect - and later criminal behavior, worked with Child Protective Services to develop the Therapeutic Child Care Program model and meet an unmet need of support for the youngest and most vulnerable victims of abuse and neglect, children age one month through five years; and

WHEREAS, The Washington state legislature has passed legislation providing state funds for Seattle Day Nursery to conduct empirical research on the effectiveness of using the Therapeutic Child Care Program model to provide early intervention and treatment to abused or neglected children under the age of twenty-four months, which, based on the results, led Seattle Day Nursery to transition all of its locations to Therapeutic Child Care and receive referrals from Child Protective Services for the children it cared for; and

WHEREAS, Seattle Day Nursery changed its name to Childhaven in 1985 to adequately reflect the mission of the agency and the expansion of services to other areas in King county; and

WHEREAS, In 1989, Childhaven developed the first, and still only, crisis nursery program in King county, focusing on preventing possible abuse and neglect by offering parents a safe place for their children during times of stress and crisis – and in 1990 established the Drug-Affected Infant Program, the first of its kind in Washington state, to treat children from birth through

five years of age whose parents are enrolled in chemical dependency treatment programs; and

WHEREAS, In 2009, Childhaven celebrates 100 years of services to children in King county;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington officially recognize the invaluable work that Childhaven provides to the youngest and most vulnerable citizens of this state: Infants, toddlers, and preschoolers.

Senators Kauffman, King and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representative of Childhaven who were seated in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 5286, by Senators Regala, Hargrove and Kohl-Welles

Regarding exemptions from the WorkFirst program.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5286 was substituted for Senate Bill No. 5286 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5286 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5228, by Senators Haugen and Morton

FIFTY-FOURTH DAY, MARCH 6, 2009

Regarding day labor construction projects and programs.
Revised for 1st Substitute: Regarding construction projects by county forces.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Marr moved that the following amendment by Senator Haugen be adopted.

On page 4, line 31, after "expenditure for" strike "day labor" and insert "~~((day labor))~~ county forces"

On page 5, lines 5, after "by" strike "day labor" and insert "~~((day labor))~~ county forces"

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 4, line 31 to Substitute Senate Bill No. 5228.

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

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5322, by Senator Fairley

Creating a five-member option for civil service commissions for sheriffs' offices.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

2009 REGULAR SESSION

Senator Fairley spoke in favor of passage of the bill.
The President declared the question before the Senate to be the final passage of Senate Bill No. 5322.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5834, by Senators Kohl-Welles and Holmquist

Regarding alcoholic beverage regulation.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5834 was substituted for Senate Bill No. 5834 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Roach

Excused: Senators Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5834, 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

I inadvertently voted "Nay" on Substitute Senate Bill No. 5834 which revises statutory provisions regarding regulation of

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

alcoholic beverages. I wish the Journal to reflect that I support passage of this measure.

SENATOR ROACH, 31ST Legislative District

SECOND READING

SENATE BILL NO. 5403, by Senators Keiser, Hewitt, Honeyford, Franklin and Kohl-Welles

Concerning the contractual relationships between distributors and producers of malt beverages.

MOTION

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

MOTION

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

On page 6, line 9, after "termination" strike "pursuant to subsection (2) of this section,"

On page 6, after line 14, insert the following:

"(8) Unless the parties otherwise agree, or the arbitrator for good cause shown orders otherwise, an arbitration conducted pursuant to subsection (7) of this section shall proceed as follows:

(a) Notice of intent to arbitrate must be served within forty days after the terminated distributor receives notice of the terminated distribution rights;

(b) The arbitration must be conducted within ninety days after service of the notice of intent to arbitrate; and

(c) The arbitrator or arbitrators must issue an order within thirty days after completion of the arbitration."

Renumber the sections consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Keiser on page 6, line 9 to Substitute Senate Bill No. 5403.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5893, by Senators Berkey, Benton, Hobbs, Schoesler and Shin

Concerning actions by insurance companies against violators. Revised for 1st Substitute: Establishing provisions for actions by insurance companies against violators.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5893 was substituted for Senate Bill No. 5893 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:06 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:35 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9085, Mauri Moore, as a member of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

Senator Shin spoke in favor of the motion.

MOTION

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On motion of Senator Brandland, Senators Hewitt, Roach and Zarelli were excused.

APPOINTMENT OF MAURI MOORE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9085, Mauri Moore as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9085, Mauri Moore as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

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

Absent: Senators Hargrove, Jarrett, Kline and Oemig

Excused: Senator Hewitt

Gubernatorial Appointment No. 9085, Mauri Moore, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Kauffman, Senator Jarrett was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9072, Debra Lisser, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Kauffman, Senator Kline was excused.

APPOINTMENT OF DEBRA LISSER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9072, Debra Lisser as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9072, Debra Lisser as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hewitt and Jarrett

Gubernatorial Appointment No. 9072, Debra Lisser, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9015, Jack Burkman, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senator Pridemore spoke in favor of the motion.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

APPOINTMENT OF JACK BURKMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9015, Jack Burkman as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9015, Jack Burkman as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Hewitt, Jarrett and Swecker

Gubernatorial Appointment No. 9015, Jack Burkman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

SECOND READING

SENATE BILL NO. 5980, by Senators Oemig, Brandland and Fraser

Renaming components of the formula for allotment of appropriations for school plant facilities.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5980 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5980.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5980 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hewitt and Jarrett

SENATE BILL NO. 5980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5285, by Senators Regala, Hargrove, Kauffman and Stevens

Revising procedures for appointment of guardians ad litem.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Zarelli spoke against passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

MOTION

On motion of Senator Marr, Senators Brown and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5285.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, King, McCaslin, Parlette and Zarelli

Excused: Senators Hewitt, Jarrett and Keiser

SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no

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

SECOND READING

SENATE BILL NO. 5032, by Senators Hobbs, Swecker, McCaslin, Shin, Berkey, Haugen, Hatfield, McAuliffe and Kilmer

Concerning the Washington code of military justice.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5032 was substituted for Senate Bill No. 5032 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senators Hobbs and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.32.010 and 1989 c 19 s 39 are each amended to read as follows:

Any member of the organized militia committing nonmilitary offenses under chapter 38.38 RCW while on duty status ((as provided in RCW 38.38.624,)) or within state armories((, committing offenses against the laws of the state,)) shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

Sec. 2. RCW 38.32.020 and 1989 c 19 s 40 are each amended to read as follows:

(1) Military offenses under chapter 38.38 RCW committed ((while on inactive duty or active state service as defined in RCW 38.04.010)) by members of the organized militia may be tried and punished as provided under chapter 38.38 RCW ((after this duty or service has terminated, and if found guilty the accused shall be punished accordingly. Any member of the organized militia on "inactive duty" or "active state service," as defined in RCW 38.04.010, committing any offense under chapter 38.38 RCW, where the offense charged is also made an offense by the civil law of this state, may, in the discretion of the officer whose duty it is to approve the charge, be turned over to the proper civil authorities for trial)).

(2) Primary jurisdiction over military offenses enumerated in chapter 38.38 RCW is with military authorities. Primary jurisdiction over nonmilitary offenses is with civilian authorities. If an offense may be both military and nonmilitary, the military authorities may proceed only after the civilian authorities have declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by whether the underlying offense is a military or nonmilitary offense.

(3) Any member of the organized militia ((on "inactive duty" or "active state service," as defined in RCW 38.04.010,)) committing any offense under chapter 38.38 RCW((;)) may, if such offense is committed ((upon)) on a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law.

Sec. 3. RCW 38.38.004 and 1989 c 48 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Organized militia" means the national guard of the state, as defined in section 101(3) of title 32, United States Code, and any other military force organized under the laws of the state of Washington.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

(2) "Officer" means commissioned or warrant officer.

(3) "Commissioned officer" includes a commissioned warrant officer.

(4) "Commanding officer" includes only commissioned officers in command of a unit.

(5) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(6) "Enlisted member" means a person in an enlisted grade.

(7) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(8) "Rank" means the order of precedence among members of the organized militia.

(9) ~~(The term "active state service" or "active training duty" shall be construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the president of the United States.~~

~~The term "inactive duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under state or federal laws, regulations, or orders, including travel to and from such duty.~~

~~(10))~~ "Military court" means a court-martial or a court of inquiry.

~~((11))~~ (10) "Military judge" means the presiding officer of a general or special court-martial detailed in accordance with RCW 38.38.256.

~~((12))~~ (11) "State judge advocate" means the commissioned judge advocate officer responsible for supervising the administration of the military justice in the organized militia.

~~((13))~~ (12) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

~~((14))~~ (13) "Military" refers to any or all of the armed forces.

~~((15))~~ (14) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

~~((16))~~ (15) "May" is used in a permissive sense. The words "no person may. . ." mean that no person is required, authorized, or permitted to do the act prescribed.

~~((17))~~ (16) "Shall" is used in an imperative sense.

~~((18))~~ (17) "Code" means this chapter.

~~((19))~~ (18) "A month's pay" or fraction thereof shall be calculated based upon a member's basic pay entitlement as if the member were serving for a thirty-day period.

(19) "Judge advocate" means an officer of the army or air national guard designated as a judge advocate by the judge advocate general of the army or the judge advocate general of the air force.

(20) "Military offense" means those offenses listed in RCW 38.38.644 through 38.38.800 and sections 25 and 26 of this act.

(21) "Nonmilitary offense" means any offense other than those listed in Title 38 RCW.

Sec. 4. RCW 38.38.008 and 1989 c 48 s 2 are each amended to read as follows:

This code applies to all members of the organized militia who are not in federal service pursuant to Title 10 U.S.C.

Sec. 5. RCW 38.38.024 and 1989 c 48 s 6 are each amended to read as follows:

(1) The governor, on the recommendation of the adjutant general, shall appoint ~~((an))~~ a judge advocate officer of the ~~((organized militia))~~ army or air national guard as state judge advocate. To be eligible for appointment, an officer must be a

member of the bar of the highest court of the state and must have been a member of the bar of the state for at least five years.

(2) The adjutant general may appoint as many assistant state judge advocates as he or she considers necessary. To be eligible for appointment, assistant state judge advocates must be officers of the organized militia and members of the bar of the highest court of the state.

(3) The state judge advocate or assistants shall make frequent inspections in the field in supervision of the administration of military justice.

(4) Convening authorities shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command is entitled to communicate directly with the staff judge advocate of a superior or subordinate command, or with the state judge advocate.

(5) No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case may later act as staff judge advocate to any reviewing authority upon the same case.

(6) No judge advocate may be assigned nonlegal duties unless authorized by the state judge advocate.

NEW SECTION. Sec. 6. A new section is added to chapter 38.38 RCW to read as follows:

A military judge must be a judge advocate. The adjutant general shall prescribe procedures for certifying, appointing, detailing, and removing military judges.

Sec. 7. RCW 38.38.080 and 1989 c 48 s 11 are each amended to read as follows:

Persons confined other than in a guard house, whether before, during, or after trial by a military court, shall be confined in civil jails, penitentiaries, or prisons designated by the governor or ~~((by such person as the governor may authorize to act))~~ the adjutant general.

Sec. 8. RCW 38.38.092 and 1989 c 48 s 14 are each amended to read as follows:

(1) Under such regulations as may be prescribed ~~((under this code))~~ by the adjutant general, a person subject to this code ~~((who is on active state service or inactive duty))~~ who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for the offense shall, upon the request of competent military authority, be returned to military custody for the completion of the sentence.

Sec. 9. RCW 38.38.132 and 1991 c 43 s 5 are each amended to read as follows:

(1) Under such regulations as the governor may prescribe, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this section to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the organized militia under this section if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the governor, a commanding officer exercising general court-

FIFTY-FOURTH DAY, MARCH 6, 2009

martial jurisdiction or an officer of general rank in command may delegate powers under this section to a principal assistant.

(2) Subject to subsection (1) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his or her command:

(i) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive duty or drill days;

(ii) If imposed by an officer exercising general court-martial jurisdiction or an officer of general rank in command:

(A) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(B) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive drill or duty days;

(C) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month;

(b) Upon other personnel of his or her command:

(i) If imposed upon a person attached to or embarked in a vessel, confinement for not more than three consecutive days;

(ii) Forfeiture of not more than seven days' pay;

(iii) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(iv) Extra duties, including fatigue or other duties for not more than fourteen duty or drill days, which need not be consecutive, and for not more than two hours per day, holidays included;

(v) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(vi) Detention of not more than fourteen days' pay;

(vii) If imposed by ~~((an))~~ a commanding officer of the grade of major or above:

(A) The punishment authorized in subsection (2)(b)(i) of this section;

(B) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(C) Reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(D) Extra duties, including fatigue or other duties, for not more than fourteen drill or duty days, which need not be consecutive, and for not more than two hours per day, holidays included;

(E) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(F) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. Extra duties and restriction may not be combined to run consecutively in the maximum amount imposable for each. Whenever any such punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment.

(3) An officer in charge may impose upon enlisted members assigned to the unit of which the officer is in charge such of the punishment authorized under subsection (2)(b) of this section as the governor may specifically prescribe by regulation.

(4) The officer who imposes the punishment authorized in subsection (2) of this section, or a successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (2) of this section, whether or not executed. In addition, the officer may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. The officer may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating extra duties to restriction, the restriction shall not be longer than the number of hours of extra duty that may have been imposed. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(5) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (4) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

(a) Forfeiture of more than seven days' pay;

(b) Reduction of one or more pay grades from the fourth or a higher pay grade;

(c) Extra duties for more than ten days;

(d) Restriction for more than ten days; or

(e) Detention of more than fourteen days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (2) of this section.

(6) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) The governor may by regulation prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings shall be in writing.

Sec. 10. RCW 38.38.180 and 1963 c 220 s 18 are each amended to read as follows:

Subject to RCW 38.38.176, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

(1) A fine of not more than ~~((two))~~ three hundred dollars;

(2) Forfeiture of pay and allowances;

(3) A reprimand;

(4) Dismissal or dishonorable discharge;

(5) Reduction of a noncommissioned officer to the ranks; or

(6) Any combination of these punishments.

Sec. 11. RCW 38.38.188 and 1989 c 48 s 19 are each amended to read as follows:

(1) Subject to RCW 38.38.176, summary courts-martial have jurisdiction to try persons subject to this code, except officers for any offense made punishable by this code.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

(2) No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if the person objects thereto, unless under RCW 38.38.132 the person has been permitted and has elected to refuse punishment under that section. If objection to trial by summary court-martial is made by an accused who has been permitted to refuse punishment under RCW 38.38.132, trial shall be ordered by special or general court-martial, as may be appropriate.

(3) A summary court-martial may sentence to a fine of not more than twenty-five dollars for a single offense, to forfeiture of ~~((pay and allowances))~~ not more than one-half month's pay for two months, to reduction in rank of enlisted soldiers, and to reduction of a noncommissioned officer to the ranks.

Sec. 12. RCW 38.38.240 and 1989 c 48 s 22 are each amended to read as follows:

In the organized militia not in federal service pursuant to Title 10 U.S.C., general courts-martial may be convened by the president or by the governor, or by the ~~((commanding general of the national guard of the District of Columbia))~~ adjutant general.

Sec. 13. RCW 38.38.244 and 1989 c 48 s 23 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a general court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command~~((s))~~ may convene special courts-martial. Special courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

(2) A special court-martial may not try a commissioned officer.

Sec. 14. RCW 38.38.248 and 1989 c 48 s 24 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a special court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment~~((s))~~ may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

(2) When only one commissioned officer is present with a command or detachment the commissioned officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him or her. Summary courts-martial may, however, be convened in any case by superior competent authority when considered desirable.

Sec. 15. RCW 38.38.312 and 1989 c 48 s 30 are each amended to read as follows:

(1) No person subject to this code may compel a person~~((s))~~ to incriminate ~~((themselves))~~ himself or herself or to answer any question the answer to which may tend to incriminate ~~((them))~~ himself or herself.

(2) No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing the person of the nature of the accusation and advising that the person does not have to make any statement regarding the offense of which he or she is accused or suspected and that any statement made by the person may be used as evidence against him or her in a trial by court-martial.

(3) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

Sec. 16. RCW 38.38.316 and 1989 c 48 s 31 are each amended to read as follows:

(1) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him or her and of the right to be represented at that investigation by counsel. The accused has a right to be represented at that investigation as provided in RCW 38.38.376 and in regulations prescribed under that section.

At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him or her if they are available and to present anything the person may desire in his or her own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) ~~((hereof))~~ of this section, no further investigation of that charge is necessary under this section unless it is demanded by the accused after being informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his or her own behalf.

(4) If evidence adduced in an investigation under this chapter indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused:

(a) Is present at the investigation;

(b) Is informed of the nature of each uncharged offense investigated; and

(c) Is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) of this section.

(5) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

Sec. 17. RCW 38.38.376 and 1989 c 48 s 37 are each amended to read as follows:

(1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

~~((The accused has the right to be represented in his or her defense before a general or special court-martial by civilian counsel if provided by the accused, or by military counsel of his or her own selection if reasonably available as defined in regulations of the governor, or by the defense counsel detailed under RCW 38.38.260. Should the accused have civilian counsel of his or her own selection, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as associate counsel; otherwise they shall be excused by the military judge or president of a special court-martial.~~

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

~~(3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters the defense counsel feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate and assist the accused in the submission of any matter under RCW 38.38.536.~~

~~(4)) The accused has the right to be represented in his or her defense before a general or special court-martial or at an investigation under RCW 38.38.316 as provided in this subsection.~~

~~(a) The accused may be represented by civilian counsel if provided at his or her own expense.~~

~~(b) The accused may be represented by:~~

~~(i) Military counsel detailed under RCW 38.38.260; or~~

~~(ii) Military counsel of his or her own selection if that counsel is reasonably available, as determined under regulations prescribed under subsection (3) of this section.~~

~~(c) If the accused is represented by civilian counsel, military counsel detailed or selected under (b) of this subsection shall act as associate counsel unless excused at the request of the accused.~~

~~(d) Except as provided under (e) of this subsection, if the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, any military counsel detailed under (b)(i) of this subsection shall be excused.~~

~~(e) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under RCW 38.38.260 to detail counsel in his or her sole discretion:~~

~~(i) May detail additional military counsel as assistant defense counsel; and~~

~~(ii) If the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, may approve a request from the accused that military counsel detailed under (b)(i) of this subsection act as associate defense counsel.~~

~~(3) The state judge advocate shall, by regulation, define "reasonably available" for the purpose of subsection (2) of this section and establish procedures for determining whether the military counsel selected by an accused under subsection (2) of this section is reasonably available.~~

~~(4) In any court-martial proceeding resulting in a conviction, the defense counsel:~~

~~(a) May forward for attachment to the record of proceedings a brief of such matters as he or she determines should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate;~~

~~(b) Shall assist the accused in the submission of any matter under RCW 38.38.536; and~~

~~(c) May take other action authorized by this chapter.~~

~~(5) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when qualified to be a trial counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.~~

~~((5)) (6) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when qualified to be the defense counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.~~

Sec. 18. RCW 38.38.388 and 1989 c 48 s 40 are each amended to read as follows:

(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or, if none, the court shall determine the relevance and validity of

challenges for cause and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by RCW 38.38.172, all parties shall, notwithstanding RCW 38.38.268, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.

(3) Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

(4) If exercise of a peremptory challenge reduces the court below the minimum number of members required by RCW 38.38.172, the parties shall, notwithstanding RCW 38.38.268, either exercise or waive any remaining peremptory challenge, that has not been previously waived, against the remaining members of the court before additional members are detailed to the court.

(5) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

Sec. 19. RCW 38.38.396 and 1989 c 48 s 42 are each amended to read as follows:

(1) A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny may be tried and punished at any time without limitation.

(2) Except as otherwise provided in this section, a person charged with desertion in time of peace or with the offense punishable under RCW 38.38.784 is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(3) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court-martial or punished under RCW 38.38.132 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under RCW 38.38.132.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

(5) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

(a) Has expired; or

(b) Will expire within one hundred eighty days after the date of dismissal of the charges and specifications trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in subsection (6) of this section are met.

(6) The conditions referred to in subsection (5) of this section are that the new charges and specifications must:

(a) Be received by an officer exercising summary court-martial jurisdiction over the command within one hundred eighty days after the dismissal of the charges or specifications; and

(b) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Sec. 20. RCW 38.38.408 and 1989 c 48 s 45 are each amended to read as follows:

(1) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the governor may prescribe.

(2) The president of a special court-martial, military judge, military magistrate, or a summary court officer may:

(a) Issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(b) Issue subpoenas duces tecum and other subpoenas;

(c) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(d) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

(3) Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and shall be executed by civil officers as prescribed by the laws of the state.

Sec. 21. RCW 38.38.412 and 1989 c 48 s 46 are each amended to read as follows:

(1) Any person not subject to this code who:

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the superior court of the state; and

(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce; is guilty of an offense against the state.

(2) Any person who commits an offense named in subsection (1) of this section shall be tried before the superior court of this state having jurisdiction and jurisdiction is conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

(3) The prosecuting attorney in any such court, upon the certification of the facts by the military court, commission, court of inquiry, or board, shall prosecute any person violating this section.

Sec. 22. RCW 38.38.624 and 1963 c 220 s 75 are each amended to read as follows:

No person may be tried or punished for any offense provided for in RCW 38.38.628 through 38.38.800, unless ~~((it was committed while he was in a duty status))~~ he or she was a member of the organized militia at the time of the offense.

Sec. 23. RCW 38.38.752 and 1963 c 220 s 107 are each amended to read as follows:

Any person subject to this code who ~~((while in a duty status;))~~ willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of the state shall be punished as a court-martial may direct.

Sec. 24. RCW 38.38.760 and 1963 c 220 s 109 are each amended to read as follows:

~~((Any person subject to this code who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court martial may direct.))~~

(1) Any person subject to this code who:

(a) Operates or physically controls any vehicle, aircraft, or

vessel in a reckless or wanton manner or while impaired by a substance described in section 25; or

(b) Operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under subsection (2) of this section; or

(c) Operates or is in actual physical control of any vehicle, aircraft, or vessel in a reckless or wanton manner shall be punished as a court-martial may direct.

(2) For purposes of subsection (1) of this section, the blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.08 grams of alcohol per one hundred milliliters of blood and with respect to alcohol concentration in a person's breath is 0.08 grams of alcohol per two hundred ten liters of breath, as shown by chemical analysis.

(3) For purposes of this section, "blood alcohol content limit" means the amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

NEW SECTION. Sec. 25. A new section is added to chapter 38.38 RCW to read as follows:

(1) Any person subject to this code who wrongfully uses, possesses, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces or organized militia a substance described in subsection (2) of this section shall be punished as a court-martial may direct.

(2) The substances referred to in subsection (1) of this section are the following:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(b) Any substance not specified in (a) of this subsection that is listed on a schedule of controlled substances prohibited by the United States army; or

(c) Any other substance not specified in this subsection that is listed in Schedules I through V of section 202 of the federal controlled substances act, 21 U.S.C. Sec. 812, as amended.

NEW SECTION. Sec. 26. A new section is added to chapter 38.38 RCW to read as follows:

Any person subject to this code who attempts or offers with unlawful force or violence to do bodily harm to another member of the organized militia, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

Sec. 27. RCW 38.38.800 and 1989 c 48 s 71 are each amended to read as follows:

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the organized militia, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, assault in the first degree, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.

Sec. 28. RCW 38.38.840 and 1989 c 48 s 72 are each amended to read as follows:

(1) Courts of inquiry to investigate any matter may be convened by the governor, the adjutant general, or by any other person designated by the governor for that purpose, whether or not the persons involved have requested such an inquiry: PROVIDED, That upon the request of the officer involved such an inquiry shall be instituted as hereinabove set forth.

(2) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening

FIFTY-FOURTH DAY, MARCH 6, 2009

authority shall also appoint counsel for the court.

(3) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the state military department, who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(7) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 29. RCW 38.38.844 and 1989 c 48 s 73 are each amended to read as follows:

(1) The following members of the organized militia may administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

(a) The state judge advocate and all assistant state judge advocates;

(b) All law specialists or paralegals;

(c) All summary courts-martial;

(d) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;

(e) The military judge, president, trial counsel, and assistant trial counsel for all general and special courts-martial;

(f) The president and the counsel for the court of any court of inquiry;

(g) All officers designated to take a deposition;

(h) All commanding officers of units of the organized militia;

(i) All officers of the organized militia designated as recruiting officers;

(j) All persons detailed to conduct an investigation; and

~~((f))~~ (k) All other persons designated by regulations of the (governor) adjutant general.

(2) ~~((Officers of the organized militia may not be authorized to administer oaths as provided in this section unless they are on active state service or inactive duty for training in or with those forces under orders of the governor as prescribed in this code.~~

~~(3))~~ The signature without seal of any such person, together with the title of the person's office, is prima facie evidence of the person's authority.

Sec. 30. RCW 38.38.848 and 1989 c 48 s 74 are each amended to read as follows:

(1) RCW 38.38.008, 38.38.012, 38.38.064 through 38.38.132, 38.38.252, 38.38.260, 38.38.372, 38.38.480, 38.38.624 through 38.38.792, and 38.38.848 through 38.38.860 shall be carefully explained to every enlisted member;

(a) At the time of the member's enlistment or transfer or induction ((into, or));

(b) At the time of the member's order to duty in or with any

of the organized militia; or

~~(c) Within ((thirty)) forty days thereafter. ((They))~~

(2) These sections shall also be explained ((annually to each unit of the organized militia)) again to each member of the organized militia each time a member of the organized militia reenlists or extends his or her enlistment.

(3) A complete text of this code and of the regulations prescribed by the governor thereunder shall be made available to any member of the organized militia, upon request, for personal examination."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hobbs and Swecker to Substitute Senate Bill No. 5032.

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

MOTION

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

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Brown, Hewitt, Jarrett and Keiser

ENGROSSED SUBSTITUTE SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5374, by Senator Fairley

Regarding the board of directors of an air pollution control authority.

The measure was read the second time.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Sheldon

Excused: Senators Hewitt, Jarrett and Keiser

SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5426, by Senators Kastama, Berkey and Fairley

Authorizing certain areas in cities or towns to annex to a fire protection district.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5426.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Hewitt, Jarrett and Keiser

SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no

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

SECOND READING

SENATE BILL NO. 5738, by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom

Requiring the office of the superintendent of public instruction to review annual school district compliance reports.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5738 was substituted for Senate Bill No. 5738 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5738.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5738 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Hewitt and Jarrett

SUBSTITUTE SENATE BILL NO. 5738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5891, by Senator Keiser

Establishing a forum for testing primary care medical home reimbursement pilot projects.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5891 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 Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5891 and the bill passed the Senate

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

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

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

Excused: Senators Hewitt and Jarrett

SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6033, by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

Creating the prevent or reduce owner-occupied foreclosure program.

The measure was read the second time.

MOTION

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

On page 2, line 29, after "by the" strike "housing finance commission" and insert "prevent or reduce owner-occupied foreclosure oversight committee established under section 4 of this act"

On page 3, after line 30, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 43.320 RCW to read as follows:

(1) The housing finance commission must establish a prevent or reduce owner-occupied foreclosure oversight committee to consist of:

(a) Two members of the senate and two alternate members, appointed by the president of the senate, with no more than one member and one alternate from each caucus of the senate;

(b) Two members of the house of representatives and two alternate members, appointed by the speaker of the house of representatives, with no more than one member and one alternate from each caucus of the senate;

(c) The director of the department of financial institutions or his or her designee as an ex officio member;

(d) The executive director of the housing finance commission or his or her designee as an ex officio member;

(e) A representative of the Washington state bar association as a nonvoting member;

(f) A representative of the office of civil legal aid as a nonvoting member;

(g) A representative of the Washington banker's association as a nonvoting member; and

(h) A representative of the Washington state board of accountancy as a nonvoting member.

(2) The members of the prevent or reduce owner-occupied foreclosure oversight committee shall serve without compensation of any kind.

(3) The prevent or reduce owner-occupied foreclosure oversight committee shall serve as the housing finance commission's principal advisory body on the prevent or reduce owner-occupied foreclosure program, and must:

(a) Develop criteria for success of the program that may include, but not be limited to: The number of homeowners served; number of workouts achieved; amount of federal funds received for homeowner stabilization; decreases in foreclosure rate; and number of volunteer professionals participating;

(b) Periodically evaluate the effectiveness of the program according to the criteria developed under (a) of this subsection;

(c) Develop and maintain an inventory of state and federal housing assistance programs directed to stabilize owner-occupied homes; and

(d) Coordinate all state efforts related to prevention or reduction of owner-occupied foreclosures.

(4) Any of the duties listed under subsection (3) of this section may be delegated to the executive director of the housing finance commission.

(5) The prevent or reduce owner-occupied foreclosure oversight committee shall meet regularly.

(6) The housing finance commission must supply information and assistance that are deemed necessary for the prevent or reduce owner-occupied foreclosure oversight committee to carry out its duties under this section.

(7) The housing finance commission shall provide administrative and clerical assistance to the prevent or reduce owner-occupied foreclosure oversight committee."

Senator Berkey spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 2, line after 27 to the amendment to Senate Bill No. 6033 was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 2, line 29 to Senate Bill No. 6033.

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

MOTION

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.320.160, 43.320.165, and 43.320.170; and adding a new section to chapter 43.320 RCW."

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Senate Bill No. 6033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6033.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens,

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Swecker, Tom and Zarelli

Absent: Senator Keiser

Excused: Senators Hewitt and Jarrett

ENGROSSED SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5808, by Senator Fairley

Concerning the annexation of unincorporated areas served by fire protection districts.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5808 was substituted for Senate Bill No. 5808 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 12, after "shall" insert "jointly"

On page 5, line 12, after "shall" insert "jointly"

On page 11, line 8, after "shall" insert "jointly"

On page 15, line 21, after "shall" insert "jointly"

Senator Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 1, line 12 to Substitute Senate Bill No. 5808.

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

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5808.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5808 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Honeyford

Absent: Senator Regala

Excused: Senators Hewitt, Jarrett and Keiser
ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6032, by Senators Berkey and Hobbs

Concerning exchange facilitators.

MOTION

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

MOTION

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

Beginning on page 7, line 23, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. A person who engages in business as an exchange facilitator shall not, with respect to a like-kind exchange transaction, knowingly or with criminal negligence:

(1) Make a false, deceptive, or misleading material representation, directly or indirectly, concerning a like-kind transaction;

(2) Make a false, deceptive, or misleading material representation, directly or indirectly, in advertising or by any other means, concerning a like-kind transaction;

(3) Engage in any unfair or deceptive practice toward any person;

(4) Obtain property by fraud or misrepresentation;

(5) Fail to account for any moneys or property belonging to others that may be in the possession or under the control of the exchange facilitator;

(6) Commingle funds held for a client in any account that holds the exchange facilitator's own funds, except as provided in section 9(1)(a) of this act;

(7) Loan or otherwise transfer exchange funds to any person or entity, other than a financial institution, that is affiliated with or related to the exchange facilitator, except for the transfer of funds from an exchange facilitator to an exchange accommodation title holder in accordance with an exchange contract;

(8) Keep, or cause to be kept, any money in any bank, credit union, or other financial institution under a name designating the money as belonging to the client of any exchange facilitator, unless that money belongs to that client and was entrusted to the exchange facilitator by that client;

(9) Fail to fulfill its contractual duties to the client to deliver property or funds to the taxpayer in a material way unless such a failure is due to circumstances beyond the control of the exchange facilitator;

(10) Commit, including commission by its owners, officers, directors, employees, agents, or independent contractors, any crime involving fraud, misrepresentation, deceit, embezzlement, misappropriation of funds, robbery, or other theft of property;

(11) Fail to make disclosures required by any applicable state law; or

(12) Make any false statement or omission of material fact in connection with any reports filed by an exchange facilitator or in connection with any investigation conducted by the department of financial institutions.

On page 9, line 2, after "who" strike "intentionally"

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On page 9, line 3, after "through" strike "(7)" and insert "(8)"

On page 9, line 6, after "who" strike "intentionally"

On page 9, beginning on line 6, after "section 11" strike "(10) or (11)" and insert "(11) or (12)"

On page 10, after line 13, insert the following:

"NEW SECTION. Sec. 18. This chapter does not affect the application of chapter 21.20 RCW."

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

On page 10, line 14, after "through" strike "(17)" and insert "(18)"

Senator Berkey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 7, line 23 to Substitute Senate Bill No. 6032.

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

MOTION

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

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Hewitt, Jarrett and Keiser

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

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 5461, by Senator Haugen

Concerning reserve account and study requirements for condominium associations.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5461 was substituted for Senate Bill No. 5461 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Honeyford and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5461.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5461 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Jarrett, Keiser, Pridemore and Zarelli

SUBSTITUTE SENATE BILL NO. 5461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5468, by Senators Honeyford, McCaslin, Kilmer, King, Delvin, Jacobsen, Berkey and Shin

Permitting an exemption for nonprofit housing organizations from the consumer loan act.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5468 was substituted for Senate Bill No. 5468 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5468 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Excused: Senators Hewitt, Jarrett, Pridemore and Zarelli
 SUBSTITUTE SENATE BILL NO. 5468, 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 Marr, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5547, by Senators Hargrove, Pflug, McAuliffe, Oemig, Marr, Fairley, Kauffman, Franklin, Parlette, Carrell, Haugen, Kilmer, Jarrett, Pridemore, Shin, Kohl-Welles, Murray, Regala and Keiser

Concerning respite care.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5547.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5547 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Jarrett, Keiser, Prentice, Pridemore and Zarelli

SENATE BILL NO. 5547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5882, by Senators Kauffman, McAuliffe, Regala, Shin and Kline

Ordering an evaluation of recommendations made by the racial disproportionality advisory committee. Revised for 1st Substitute: Remediating racial disproportionality in child welfare practices.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5882 was substituted for Senate Bill No. 5882 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.
 The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Jarrett, Pridemore and Zarelli
 SUBSTITUTE SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin

Authorizing a joint self-insurance program for two or more affordable housing entities or nonprofit entities. Revised for 1st Substitute: Authorizing a joint self-insurance program for two or more affordable housing entities.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5665 was substituted for Senate Bill No. 5665 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Holmquist and Stevens

Excused: Senators Hewitt, Jarrett, Kline and Pridemore
 SUBSTITUTE SENATE BILL NO. 5665, 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.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 5580, by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom

Concerning school impact fees.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5580.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon and Stevens

Excused: Senators Hewitt, Jarrett, Kline and Pridemore

SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5903, by Senators Keiser, McAuliffe and Hatfield

Regarding public works contracts for residential construction.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Hewitt, Jarrett and Pridemore

SENATE BILL NO. 5903, 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 Marr, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 5556, by Senators Kilmer, Carrell and Kauffman

Prohibiting the reduction of toll penalties for infractions detected through the use of a photo enforcement system. Revised for 1st Substitute: Concerning toll enforcement for infractions detected through the use of a photo enforcement system.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, McCaslin and Morton

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore
SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5587, by Senator Pridemore

Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines.

The measure was read the second time.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 5587 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5699, by Senators Franklin, Kline and Parlette

Concerning the office of public guardianship.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5793, by Senators Schoesler, Hewitt, Honeyford and Morton

Concerning privately operated manlifts. Revised for 1st Substitute: Concerning a single-occupancy farm conveyance.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5793 was substituted for Senate Bill No. 5793 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5793.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5793 and the bill passed the Senate

by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore
SUBSTITUTE SENATE BILL NO. 5793, 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 Senate Bill No. 5587.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5587.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler and Stevens

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore
SENATE BILL NO. 5587, 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 Stevens, Senators Benton and Roach were excused.

MOTION

At 4:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:09 p.m. by President Owen.

MOTION

At 5:09 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Saturday, March 7, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

Messages.	1
Second Reading.	7
1025-S2	
Messages.	1
1059	
Messages.	1
1075	
Messages.	1
1085-S	
Messages.	1
1088	
Messages.	1
1095-S2	
Messages.	1
1135-S	
Messages.	1
1152-S	
Introduction & 1st Reading.	2
1180-S2	
Messages.	1
1195	
Introduction & 1st Reading.	2
1202-S	
Messages.	1
1205-S	
Messages.	1
1208-S2	
Messages.	1
1212	
Messages.	1
1227	
Introduction & 1st Reading.	2
1234-S	
Messages.	1
1239-S	
Introduction & 1st Reading.	2
1250-S	
Introduction & 1st Reading.	2
1251	
Messages.	1
1252-S2	
Messages.	1
1283-S	
Messages.	1
1292-S	
Messages.	1
1302	
Messages.	1
1303-S	
Messages.	1
1310	
Messages.	1
1312	
Messages.	1
1323-S	
Messages.	1
1328-S	
Messages.	1
1355-S2	
Messages.	1
1409-S	
Messages.	1
1414-S	
Messages.	1
1441-S	
Messages.	2
1456	
Introduction & 1st Reading.	2
1457-S	
Messages.	2
1464	

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Introduction & 1st Reading.	2	1880	Introduction & 1st Reading.	3
1468	Messages.	2	1898-S	Introduction & 1st Reading.
1474	Messages.	2	1984-S	Introduction & 1st Reading.
1484-S2	Messages.	2	1996-S	Introduction & 1st Reading.
1492	Introduction & 1st Reading.	2	1997	Messages.
1498	Messages.	2	2014	Introduction & 1st Reading.
1499	Messages.	2	2044	Introduction & 1st Reading.
1516-S	Introduction & 1st Reading.	3	2049-S	Introduction & 1st Reading.
1522-S2	Messages.	2	2116-S	Messages.
1529-S	Messages.	2	2117	Messages.
1536	Introduction & 1st Reading.	3	2129	Introduction & 1st Reading.
1552-S	Introduction & 1st Reading.	3	2142	Introduction & 1st Reading.
1553-S	Messages.	2	2146	Messages.
1554-S	Messages.	2	2208-S	Messages.
1555-S	Messages.	2	5032	Second Reading.
1580-S2	Messages.	2	5032-S	Other Action.
1595-S	Introduction & 1st Reading.	3		Second Reading.
1640	Messages.	2		Third Reading Final Passage.
1647-S	Messages.	1	5228	Second Reading.
1664-S	Messages.	2	5228-S	Second Reading.
1679	Messages.	1		Third Reading Final Passage.
1690	Messages.	2	5284	Second Reading.
1692-S	Messages.	2		Third Reading Final Passage.
1740-S	Introduction & 1st Reading.	3	5285	Second Reading.
1749-S	Messages.	2	5285-S	Second Reading.
1752-S	Messages.	1		Third Reading Final Passage.
1758-S	Messages.	2	5286	Second Reading.
1762-S2	Messages.	2	5286-S	Second Reading.
1765-S	Messages.	2		Third Reading Final Passage.
1792-S	Messages.	1	5322	Second Reading.
1802-S	Messages.	2		Third Reading Final Passage.
1812-S	Introduction & 1st Reading.	3	5374	Second Reading.
1818	Messages.	2		Third Reading Final Passage.
1843-S	Introduction & 1st Reading.	3	5401	Second Reading.
1847-S	Introduction & 1st Reading.	3	5401-S	Second Reading.
1856-S	Introduction & 1st Reading.	3		Third Reading Final Passage.
1864-S	Messages.	1	5403	Second Reading.
1869-S	Introduction & 1st Reading.	3	5403-S	Second Reading.
				Third Reading Final Passage.
			5413	Second Reading.
				Third Reading Final Passage.
			5417	Second Reading.
			5417-S	Second Reading.

Third Reading Final Passage.	6	Third Reading Final Passage.	20
5426		5893	
Second Reading.	19	Second Reading.	10
Third Reading Final Passage.	19	5893-S	
5461		Second Reading.	10
Second Reading.	22	Third Reading Final Passage.	10
5461-S		5903	
Second Reading.	22	Second Reading.	24
Third Reading Final Passage.	22	Third Reading Final Passage.	24
5468		5978	
Second Reading.	22	Second Reading.	7
5468-S		5978-S	
Second Reading.	22	Second Reading.	7
Third Reading Final Passage.	23	Third Reading Final Passage.	7
5531		5980	
Second Reading.	6	Second Reading.	11
5531-S		Third Reading Final Passage.	12
Second Reading.	6	6032	
Third Reading Final Passage.	7	Second Reading.	21
5547		6032-S	
Second Reading.	23	Second Reading.	21
Third Reading Final Passage.	23	Third Reading Final Passage.	22
5556		6033	
Second Reading.	24	Other Action.	20
5556-S		Second Reading.	20
Second Reading.	24	Third Reading Final Passage.	20
Third Reading Final Passage.	24	6120	
5580		Introduction & 1st Reading.	2
Second Reading.	24	8015	
Third Reading Final Passage.	24	Introduction & 1st Reading.	2
5587		8615	
Second Reading.	24	Adopted.	8
Third Reading Final Passage.	25	Introduced.	8
5665		9015 Jack Burkman	
Second Reading.	23	Confirmed.	11
5665-S		9021 Alberta B. Clarkson	
Second Reading.	23	Confirmed.	4
Third Reading Final Passage.	23	9062 Bruce Kendall	
5671		Confirmed.	4
Second Reading.	6	9072 Debra Lisser	
5671-S		Confirmed.	11
Second Reading.	6, 7	9085 Mauri Moore	
Third Reading Final Passage.	7	Confirmed.	10
5699		9086 Mary Moss	
Second Reading.	25	Confirmed.	5
Third Reading Final Passage.	25	PRESIDENT OF THE SENATE	
5738		Intro. Special Guest, Childhaven members.	8
Second Reading.	19	Intro. Special Guest, former Secretary of State, Ralph	
5738-S		Munro.	1
Second Reading.	19	Intro. Special Guest, U. S. Marine Corps & U. S. Navy	
Third Reading Final Passage.	19	members.	1
5793		WASHINGTON STATE SENATE	
Second Reading.	25	Statement for the Journal, Senator Roach.	9
5793-S			
Second Reading.	25		
Third Reading Final Passage.	25		
5808			
Second Reading.	21		
5808-S			
Second Reading.	21		
Third Reading Final Passage.	21		
5834			
Second Reading.	9		
5834-S			
Second Reading.	9		
Third Reading Final Passage.	9		
5882			
Second Reading.	23		
5882-S			
Second Reading.	23		
Third Reading Final Passage.	23		
5891			
Second Reading.	19		
5891-S			
Second Reading.	19		