

TWENTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 8, 2010

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Holmquist, McCaslin and Shin.

The Sergeant at Arms Color Guard consisting of Pages Peter Biethan and Benjamin Baxter, presented the Colors. Senator Hargrove offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 4, 2010

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATE REARDON, appointed June 1, 2009, for the term ending September 30, 2011, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

The President assumed the chair.

MOTION

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

MESSAGE FROM THE HOUSE

February 5, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED HOUSE BILL NO. 1139, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 5, 2010

MR. PRESIDENT

The House has passed:

HOUSE BILL NO. 1541,  
HOUSE BILL NO. 1690,  
HOUSE BILL NO. 1785,  
HOUSE BILL NO. 2398,  
HOUSE BILL NO. 2456,  
HOUSE BILL NO. 2490,  
HOUSE BILL NO. 2510,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 5, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED HOUSE BILL NO. 2360,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464,  
HOUSE BILL NO. 3056,

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 10:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:40 a.m. by President Owen.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 2010

SB 6373 Prime Sponsor, Senator Ranker: Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6373 as recommended by Committee on Environment, Water & Energy be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell and Hewitt.

Passed to Committee on Rules for second reading.

February 4, 2010

**SB 6579** Prime Sponsor, Senator Swecker: Improving the efficiency, accountability, and quality within state information systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6579 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 4, 2010

**SHB 2998** Prime Sponsor, Committee on Ways & Means: Suspending certain monetary awards and salary increases. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### MOTION

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

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield).

Concerning local government crime-free rental housing programs. Revised for 1st Substitute: Concerning crime-free rental housing.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute Senate Bill No. 5742 was returned to second reading for the purpose of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield)

Concerning local government crime-free rental housing programs. Revised for 1st Substitute: Concerning crime-free rental housing.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that local governments, landlords, and tenants working together to provide crime-free rental housing is beneficial to the public health, safety, and welfare. The legislature is also concerned about activities and provisions that serve to bar a person with a criminal background from obtaining viable housing regardless of other factors that may indicate rental stability, such as employment, rental references, or time in the community with no further criminal activity. It is therefore the intent of this act to provide certain requirements that a local government must follow in adopting a crime-free rental housing program.

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

(1) "Crime-free rental housing program" means a crime prevention program designed to reduce crime, drugs, and gangs on rental housing premises under the supervision of the local police department or a crime prevention officer. The program may include, but is not limited to: Property management and crime prevention training classes; crime prevention through environmental design surveys; and community awareness training.

(2) "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants, owner, guests, occupants, or property manager.

(3) "Premises" has the same meaning as in RCW 59.18.030.

(4) "Rental housing" means any tenancy subject to chapter 59.12, 59.18, or 59.20 RCW.

**NEW SECTION. Sec. 3.** (1) A city, town, or county may adopt and implement a local government crime-free rental housing program in accordance with this section.

(2) Except as provided in subsection (3) of this section, a crime-free rental housing program must be voluntary.

(3)(a) Individual local jurisdictions may require a landlord to participate in a crime-free rental housing program upon exceeding a reasonable threshold of instances of criminal activity on the premises if the landlord has not made a good faith effort to deter the criminal activity.

(b) A good faith effort may include, but is not limited to:

(i) Service of notice on the tenant to comply or quit as allowed by law or the commencement of an unlawful detainer action against the tenant; and

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(ii) Attendance and completion of a landlord training program approved by the local jurisdiction.

(4)(a) As a prerequisite to subsection (3) of this section, upon the occurrence of criminal activity on the premises, the local police department must send a notice to the landlord setting forth the date of the occurrence, the location of the occurrence, the nature of the occurrence, and the name of the person who engaged in the occurrence.

(b) Notice must be deemed properly delivered when it is either served upon the landlord or a property manager of the rental property, or is delivered by first-class mail to the last known address of the landlord.

(5) This section does not prevent a city, town, or county from charging a fee for participation in a crime-free rental housing program.

(6) This section does not affect a city, town, or county's authority to enforce existing law in regard to rental housing, except in regard to a crime-free rental housing program.

**NEW SECTION. Sec. 4.** A crime-free rental housing program may not prohibit a landlord from hiring or renting to a person solely because of the person's criminal background.

**NEW SECTION. Sec. 5.** (1) Except as provided in subsection (2) of this section, sections 2 through 4 of this act supersede and preempt all rules, regulations, codes, statutes, or ordinances of all cities, counties, municipalities, and local agencies regarding the same subject matter. The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to crime-free rental housing programs at any time.

(2) Section 3 of this act does not apply to rules, regulations, codes, statutes, or ordinances adopted by cities, counties, municipalities, or local agencies prior to July 1, 2010, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances.

**NEW SECTION. Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 35 RCW."

Senator Hargrove 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 Hargrove and Stevens to Substitute Senate Bill No. 5742.

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

MOTION

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

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "and adding a new chapter to Title 35 RCW."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5742 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.

MOTION

On motion of Senator Brandland, Senators Holmquist, McCaslin and Zarelli were excused.

POINT OF INQUIRY

Senator Swecker: "Is there anything in this bill that would make it easier to site sex offenders in housing complexes that are open to families?"

Senator Hargrove: "There is nothing in our, in this bill that affects our state requirements for sex offenders at all. This has to do with city ordinances and it does not require landlords to do anything that makes these programs voluntary."

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5742.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5742 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, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Absent: Senator Shin

Excused: Senators Holmquist, McCaslin and Zarelli

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Marr, Senator Shin was excused.

SECOND READING

SENATE BILL NO. 6231, by Senators Marr, King, Eide, Delvin, Zarelli, Shin and Tom

Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6231 was advanced to third reading,

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

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

#### MOTION

On motion of Senator Pridemore, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6231.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6231 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, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Excused: Senators Holmquist, McCaslin, Shin and Zarelli

SUBSTITUTE SENATE BILL NO. 6231, 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. 5668, by Senators Berkey, Schoesler, McCaslin, Benton and Marr

Restricting the use of consignment contracts in the sale of used manufactured/mobile homes.

#### MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5668 was substituted for Senate Bill No. 5668 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. 5668 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 Delvin, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5668.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5668 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, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline,

Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Holmquist, McCaslin and Shin

SUBSTITUTE SENATE BILL NO. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Honeyford: "Well, thank you Mr. President. I wanted to thank you for passing out this report to Washington State on the Boy Scouts and I'm sorry we don't have a resolution to honor them but today is February 8<sup>th</sup>, the 100<sup>th</sup> anniversary, the founding of Boy Scouts. Many of us remember the scout oath that we took, it's: On my honor, I'll do my best to do my duty for God and my country and obey the scout law. I think it's interesting to report, this report includes some of the work that they've done, this report that you gave us. They work on hunger, homelessness, and poor health and they have worked with Habitat for Humanity, the American Red Cross, The Salvation Army and this report points out that they've donated four hundred eighty-one thousand hours to volunteer work and that is valued at eight million dollars. Their programs reach seventeen percent of our youth, one of the largest programs in our state. So, thank you Mr. President, again like I said, I'm sorry we don't have a resolution in honor of them but at least we can recognize their contribution to our society."

#### SECOND READING

ENGROSSED SENATE BILL NO. 5617, by Senators Kauffman and McAuliffe

Changing early learning advisory council provisions.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning ~~((community needs and progress))~~ issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that ~~((crosses systems and sectors to promote))~~ guides the department in promoting alignment of private and public sector actions, objectives, and resources, and ~~((to ensure))~~ ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve

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of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of not more than ~~((twenty-five))~~ twenty-three members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the higher education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint ~~((at least))~~ seven leaders in early childhood education, with at least one representative with experience or expertise in each of the areas such as the following ~~((areas))~~: Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) ~~((Two))~~ One representative~~((s))~~ of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(8) The department shall provide staff support to the council."

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

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kauffman to Engrossed Senate Bill No. 5617.

The motion by Senator Kauffman 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 "council;" strike the remainder of the title and insert "and amending RCW 43.215.090."

MOTION

On motion of Senator Kauffman, the rules were suspended, Second Engrossed Senate Bill No. 5617 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 Second Engrossed Senate Bill No. 5617.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5617 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, Gordon, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Holmquist, McCaslin and Shin

SECOND ENGROSSED SENATE BILL NO. 5617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5383, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Swecker, Stevens, Hargrove, Schoesler, Pflug and King).

Including a wolf-hybrid in the definition of a "potentially dangerous wild animal." Revised for 1st Substitute: Regarding wolf-hybrids.

The bill was read on Third Reading.

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. 5383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

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

Voting nay: Senator Prentice

Excused: Senators Hewitt, Holmquist, McCaslin and Shin  
SUBSTITUTE SENATE BILL NO. 5383, 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.

BRAD OWEN, President of the Senate

MOTION

THOMAS HOEMANN, Secretary of the Senate

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 9, 2010.

Draft

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