
NINETIETH DAY

House Chamber, Olympia, Saturday, April 9, 2011

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kaitlin Mastin and Christina Swanson. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kirk Pearson, 39th District, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 8, 2011

MR. SPEAKER:

The Senate has passed SUBSTITUTE SENATE JOINT RESOLUTION 8215 and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 8, 2011

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL 5359
SUBSTITUTE SENATE BILL 5364
SUBSTITUTE SENATE BILL 5423
SUBSTITUTE SENATE BILL 5428
SUBSTITUTE SENATE JOINT MEMORIAL 8004
SENATE JOINT RESOLUTION 8205

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 8, 2011

MR. SPEAKER:

The Senate has passed:

HOUSE BILL 1182
ENGROSSED SUBSTITUTE HOUSE BILL 1406

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 8, 2011

MR. SPEAKER:

The Senate has passed:

HOUSE BILL 1031
SUBSTITUTE HOUSE BILL 1133
SUBSTITUTE HOUSE BILL 1148
SUBSTITUTE HOUSE BILL 1453
SUBSTITUTE HOUSE BILL 1524
HOUSE BILL 1640
SUBSTITUTE HOUSE BILL 1728
SUBSTITUTE HOUSE BILL 1822

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 8, 2011

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL 1218
SUBSTITUTE HOUSE BILL 1237
HOUSE BILL 1454
HOUSE BILL 1520
ENGROSSED SUBSTITUTE HOUSE BILL 1636
HOUSE JOINT MEMORIAL 4004

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 2057 by Representatives Cody, Hinkle and Hunter

AN ACT Relating to limiting payments for health care services provided to low-income enrollees in state purchased health care programs; amending RCW 70.47.100; reenacting and amending RCW 74.09.522 and 70.47.020; adding a new section to chapter 70.47 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2058 by Representative Hunter

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

HB 2059 by Representative Hunter

AN ACT Relating to savings in education programs.

Referred to Committee on Ways & Means.

HB 2060 by Representative Hunter

AN ACT Relating to general government expenditures.

Referred to Committee on Ways & Means.

HB 2061 by Representative Hunter

AN ACT Relating to savings in long-term care expenditures.

Referred to Committee on Ways & Means.

HB 2062 by Representative Hunter

AN ACT Relating to savings in health care programs.

Referred to Committee on Ways & Means.

HB 2063 by Representative Hunter

AN ACT Relating to savings in public assistance programs.

Referred to Committee on Ways & Means.

HB 2064 by Representative Hunter

AN ACT Relating to savings in public employee salary expenditures.

Referred to Committee on Ways & Means.

HB 2065 by Representative Hunt

AN ACT Relating to allocation of funding for students enrolled in alternative learning experiences; amending RCW 28A.150.260; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2066 by Representative Darneille

AN ACT Relating to reducing sentences in order to generate correctional cost savings; amending RCW 9.94A.171 and 9.94A.728; adding a new section to chapter 9.94A RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2067 by Representative Hunter

AN ACT Relating to eliminating reimbursement for defense costs of persons acquitted on the basis of self-defense; and repealing RCW 9A.16.110.

Referred to Committee on Ways & Means.

HB 2068 by Representative Van De Wege

AN ACT Relating to setting law enforcement officers' and firefighters' plan 2 contribution rates for the 2011-2013 fiscal biennium at the actuarially required rates; amending RCW 41.45.0604; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2069 by Representative Cody

AN ACT Relating to increasing the sum available to the state from the hospital safety net assessment fund by reducing hospital payments; amending RCW 74.60.020 and 74.60.090; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2070 by Representative Seaquist

AN ACT Relating to determining average salary for the pension purposes of state and local government employees as certified by their employer; amending RCW 41.26.030, 41.35.010, and 43.43.120; reenacting and amending RCW 41.32.010, 41.37.010, and 41.40.010; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2071 by Representative Van De Wege

AN ACT Relating to eliminating the September 30, 2011, transfer to the local public safety account and clarifying the method of funding previously adopted benefits; and amending RCW 41.26.802 and 41.26.805.

Referred to Committee on Ways & Means.

HB 2072 by Representative Hunter

AN ACT Relating to consolidating revenues into the general fund; amending RCW 82.45.060, 43.350.070, and 15.76.115; reenacting and amending RCW 43.79.480; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2073 by Representative Hunter

AN ACT Relating to the contribution rate for the health care benefits for certain home care workers; amending RCW 74.39A.310; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2074 by Representative Sullivan

AN ACT Relating to the functions of the higher education coordinating board; amending RCW 28B.76.020, 28B.76.070, 28B.76.230, 28B.76.290, and 28B.76.340; and repealing RCW 28B.76.210, 28B.76.240, 28B.76.2401, 28B.76.250, 28B.76.260, 28B.76.300, 28B.76.310, 28B.76.320, and 28B.76.335.

Referred to Committee on Ways & Means.

HB 2075 by Representative Hunter

AN ACT Relating to fees necessary to support state programs.

Referred to Committee on Ways & Means.

HB 2076 by Representative Hunter

AN ACT Relating to savings in higher education programs.

Referred to Committee on Ways & Means.

HB 2077 by Representative Hunter

AN ACT Relating to savings in public pension financing.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Kline)

Regulating health care insurance. Revised for 1st Substitute: Making the necessary changes for implementation of the affordable care act in Washington state.

The bill was read the second time.

With the consent of the house, amendments (499) and (500) were withdrawn.

Representative Hinkle moved the adoption of amendment (585).

On page 33, after line 14, insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 48.43 RCW to read as follows:

Health care sharing ministries are not health carriers as defined in RCW 48.43.005 or insurers as defined in RCW 48.01.050. For purposes of this section, "health care sharing ministry" has the same meaning as in 26 U.S.C. Sec. 5000A."

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

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment.

Amendment (585) was adopted.

Representative Shea moved the adoption of amendment (508).

On page 33, after line 16, insert the following:

"NEW SECTION. Sec. 19. (1) A law or rule pertaining to health care shall not directly or indirectly compel any person, employer, or health care provider to participate in any health care system.

(2) A person or employer may pay directly for lawful health care services and shall not be required to pay any penalty, fine, or other sanction for paying directly for lawful health care services.

(3) A health care provider may accept direct payment for lawful health care services and shall not be required to pay any penalty, fine, or other sanction for accepting direct payment from a person or employer for lawful health care services.

(4) Subject to reasonable and necessary rules that do not significantly and substantially limit a person's or employer's options to participate in any health care system or obtain lawful health care services, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

(5) The provisions of this section do not affect:

(a) Health care services a health care provider or facility is required to perform or provide;

(b) Health care services permitted by law;

(c) The terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of sanctioning a person or employer for paying directly for lawful health care services or a health care provider or facility for accepting direct payment from a person or employer for lawful health care services.

(6) For the purposes of this section:

(a) "Compel" includes penalties, fines, or other sanctions.

(b) "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

(c) "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment

of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

(d) "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or rule that may be provided by persons or entities otherwise permitted or not prohibited by law to offer such services.

(e) "Penalties, fines, or other sanctions" means any civil or criminal penalty, fine, tax, salary or wage withholding, surcharge, or any other sanction with a similar effect established by law or rule by a government established, created, controlled, or regulated agency that is used to sanction or discourage the exercise of rights protected under this section.

(7) Any federal law, rule, order, or other act by the federal government violating the provisions of this section is hereby declared to be invalid in this state, is not recognized by and is specifically rejected by this state, and is considered as null and void and of no effect in this state.

NEW SECTION. Sec. 20. Section 19 is added to chapter 48.44 RCW."

Correct the title.

POINT OF ORDER

Representative Green requested a scope and object ruling on amendment (508) to Engrossed Substitute Senate Bill No. 5122.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Engrossed Substitute Senate Bill No. 5122 is an act relating to changes for implementation of the affordable care act in Washington State. The bill makes changes to various health insurance programs necessary to implement those portions of federal health care reform that are currently in effect. Amendment 508 relates to provisions of federal health care reform that not currently in effect. The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Schmick and Hinkle spoke in favor of the passage of the bill.

MOTION

On motion of Representative Van De Wege, Representatives Frockt and Liias were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5122, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Asay, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler,

Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Hargrove, Harris, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Shea, Short, Smith, Taylor, Wilcox and Zeiger.

Excused: Representatives Frockt and Liias.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5722, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Morton, Stevens, Regala, Shin and McAuliffe)

Concerning the use of moneys collected from the local option sales tax to support chemical dependency or mental health treatment programs and therapeutic courts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For Committee amendment, see Journal, Day 71, March 21, 2011).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hasegawa, Hinkle and Angel spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5722, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5722, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Nealey, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Schmick, Seaquist, Sells, Short, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Buys, Chandler, Haler, Klippert, Kretz, Kristiansen, McCune, Orcutt, Overstreet, Parker, Pearson, Santos, Shea, Taylor and Wilcox.

Excused: Representatives Frockt and Liias.

SUBSTITUTE SENATE BILL NO. 5722, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5722.

Representative Parker, 6th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 5187, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Keiser, Hargrove, Stevens and Carrell)

Concerning the accountability of mental health professionals employed by an evaluation and treatment facility for communicating with a parent or guardian about the option of parent-initiated mental health treatment.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations & Oversight was adopted. (For Committee amendment, see Journal, Day 79, March 29, 2011).

Representative Roberts moved the adoption of amendment (551).

0)

On page 18, line 26 of the striking amendment, after "(1)" strike all material through "premises." on page 19, line 3 and insert "It shall be a misdemeanor to use or display medical (~~marijuana~~) cannabis in a manner or place which is open to the view of the general public."

Representative Roberts spoke in favor of the adoption of the amendment.

Amendment (551) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Roberts, Walsh and Overstreet spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5187, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5187, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist,

Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Frockt and Liias.

SUBSTITUTE SENATE BILL NO. 5187, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5741, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama and Chase)

Concerning the economic development commission.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community Development & Housing was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 66, March 16, 2011).

Representative Hudgins moved the adoption of amendment (581) to the committee amendment:

0) On page 5, line 16 of the striking amendment, after "director" strike "must" and insert "shall, subject to the availability of funds for this purpose,"

On page 5, line 22 of the striking amendment, after "hiring the research manager" strike all material through "resources" on line 23

Representative Hudgins spoke in favor of the adoption of the amendment to the committee amendment.

Representative Orcutt spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 52 - YEAS; 43 - NAYS.

Amendment (581) was adopted.

Representative Kenney moved the adoption of amendment (523).

0) On page 8, beginning on line 11 of the amendment, after "(8)" strike all material through "(9)" on line 17

Renummer the remaining subsections consecutively.

Representative Kenney spoke in favor of the adoption of the amendment to the committee amendment.

Representative Smith spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 51 - YEAS; 44 - NAYS.

Amendment (523) was adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5741, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Sells, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Overstreet, Roberts, Seaquist and Shea.

Excused: Representatives Frockt and Liias.

SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5531, by Senate Committee on Human Services & Corrections (originally sponsored by Senators King, Prentice, Keiser and Shin)

Reimbursing counties for providing judicial services involving mental health commitments.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 81, March 31, 2011).

Representative Pedersen moved the adoption of amendment (621) to the committee amendment:

0) On page 1, beginning on line 17 of the amendment, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) A county may apply to its regional support network on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter 71.34 RCW. The regional support network shall in turn be entitled to reimbursement from the regional support network which serves the county of residence of the individual who is the subject of the civil commitment case. Reimbursements under this section shall be paid out of the regional support network's nonmedicaid appropriation.

(2) Reimbursement for judicial services shall be provided per civil commitment case at a rate to be determined based on an independent assessment of the county's actual direct costs. This assessment must be based on an average of the expenditures for judicial services within the county over the past three years. In the event that a baseline cannot be established because there is no significant history of similar cases within the county, the reimbursement rate shall be equal to eighty percent of the median reimbursement rate of counties included in the independent assessment.

(3) For the purposes of this section:

(a) "Civil commitment case" includes all judicial hearings related to a single episode of hospitalization, or less restrictive alternative detention in lieu of hospitalization, except that the filing of a petition for a one hundred eighty-day commitment under this chapter or a petition for a successive one hundred eighty-day commitment under chapter 71.34 RCW shall be considered to be a new case regardless of whether there has been a break in detention. "Civil commitment case" does not include the filing of a petition for a one hundred eighty-day commitment under this chapter on behalf of a patient at a state psychiatric hospital.

(b) "Judicial services" means a county's reasonable direct costs in providing prosecutor services, assigned counsel and defense services, court services, and court clerk services for civil commitment cases under this chapter and chapter 71.34 RCW.

(4) To the extent that resources have shared purpose, the regional support network may only reimburse counties to the extent such resources are necessary for and devoted to judicial services as described in this section.

(5) No filing fee may be charged or collected for any civil commitment case subject to reimbursement under this section."

Representatives Pedersen and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (621) was adopted.

Representative Hinkle moved the adoption of amendment (516).

0)

On page 3, after line 21 of the amendment, insert the following: "Sec. 6. RCW 71.24.160 and 2001 c 323 s 15 are each amended to read as follows:

The regional support networks shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under section 2 of this act must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 7. RCW 71.34.300 and 1985 c 354 s 14 are each amended to read as follows:

(1) The county or combination of counties is responsible for development and coordination of the evaluation and treatment program for minors, for incorporating the program into the county

mental health plan, and for coordination of evaluation and treatment services and resources with the community mental health program required under chapter 71.24 RCW.

(2) The county shall be responsible for maintaining its support of involuntary treatment services for minors at its 1984 level, adjusted for inflation, with the department responsible for additional costs to the county resulting from this chapter. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under section 2 of this act must be expended for other purposes that further treatment for mental health and chemical dependency disorders."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Hinkle and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (516) was adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Pedersen and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5531, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5531, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Frockt and Liias.

SUBSTITUTE SENATE BILL NO. 5531, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1024
HOUSE BILL NO. 1074

SECOND SUBSTITUTE HOUSE BILL NO. 1153
 SUBSTITUTE HOUSE BILL NO. 1169
 ENGROSSED HOUSE BILL NO. 1171
 HOUSE BILL NO. 1190
 HOUSE BILL NO. 1191
 ENGROSSED HOUSE BILL NO. 1223
 HOUSE BILL NO. 1239
 SUBSTITUTE HOUSE BILL NO. 1266
 HOUSE BILL NO. 1340
 SUBSTITUTE HOUSE BILL NO. 1402
 HOUSE BILL NO. 1432
 SUBSTITUTE HOUSE BILL NO. 1438
 HOUSE BILL NO. 1477
 SUBSTITUTE HOUSE BILL NO. 1495
 SUBSTITUTE HOUSE BILL NO. 1565
 SUBSTITUTE HOUSE BILL NO. 1595
 SUBSTITUTE HOUSE BILL NO. 1596
 SUBSTITUTE HOUSE BILL NO. 1614
 ENGROSSED HOUSE BILL NO. 1703
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731
 SUBSTITUTE HOUSE BILL NO. 1966
 SENATE BILL NO. 5011
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5020
 SENATE BILL NO. 5033
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5068
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5105
 SENATE BILL NO. 5117
 SUBSTITUTE SENATE BILL NO. 5168
 SENATE BILL NO. 5172
 SUBSTITUTE SENATE BILL NO. 5386
 SENATE BILL NO. 5463
 SUBSTITUTE SENATE BILL NO. 5546
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5585
 SENATE BILL NO. 5589
 SENATE BILL NO. 5633
 SUBSTITUTE SENATE BILL NO. 5635
 SUBSTITUTE SENATE BILL NO. 5664
 SUBSTITUTE SENATE BILL NO. 5797
 SUBSTITUTE SENATE BILL NO. 5800
 SUBSTITUTE SENATE BILL NO. 5018
 SENATE BILL NO. 5045
 SUBSTITUTE SENATE BILL NO. 5070
 SENATE BILL NO. 5076
 SENATE BILL NO. 5241
 SUBSTITUTE SENATE BILL NO. 5300
 SUBSTITUTE SENATE BILL NO. 5352
 SUBSTITUTE SENATE BILL NO. 5374
 SENATE BILL NO. 5395
 SUBSTITUTE SENATE BILL NO. 5442
 SENATE BILL NO. 5482
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5555
 SUBSTITUTE SENATE BILL NO. 5788
 SENATE BILL NO. 5849

The Speaker called upon Representative Moeller to preside.

SENATE BILL NO. 5731, by Senators Chase, Kastama, Shin and Conway

Concerning Washington manufacturing services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community Development & Housing was before

the House for purpose of amendment. (For Committee amendment, see Journal, Day 66, March 16, 2011).

Representative Orcutt moved the adoption of amendment (470) to the committee amendment:

0)
 On page 3, line 1 of the amendment, after "(5)" strike "No more than fifty" and insert "Between thirty-five and sixty-five"

On page 3, line 2 of the amendment, after "state" strike "may" and insert "must"

Representatives Orcutt and Finn spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (470) was adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Finn and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5731, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5731, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys and Overstreet.

Excused: Representatives Frockt and Liias.

SENATE BILL NO. 5731, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5500, by Senators Baumgartner, Chase, Kastama, Zarelli, Schoesler, Shin, Holmquist Newbry, Delvin, Parlette, Kilmer and Roach

Concerning the rule-making process for state economic policy.

The bill was read the second time.

With the consent of the house, amendment (492) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of the passage of the bill.

Representative Smith spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5500.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5500, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Excused: Representatives Frockt and Liias.

SENATE BILL NO. 5500, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5171, by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Hobbs, Roach, Swecker, Pridemore, Shin, King, Kilmer, Hill, Keiser and McAuliffe)

Facilitating voting for service and overseas voters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 71, March 21, 2011).

Representative Taylor moved the adoption of amendment (517) to the committee amendment:

0)

On page 8, line 27 of the striking amendment, after "term" strike "for which a successor must be elected at the next general election"

On page 9, beginning on line 5 of the striking amendment, after "follows:" strike all material through "RCW 29A.28.071" on line 35 and insert the following:

"(~~filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction))~~ If, prior to the day of the primary, any of the following occur, filings shall be reopened for a period of three normal business days, such three-day period to be fixed by the (election officer with whom such declarations of candidacy are filed and notice thereof given by

~~notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when))~~ filing officer:

(1) A void in candidacy ((for such nonpartisan office)) occurs ((on or after the eleventh Tuesday prior to a primary but prior to the eleventh Tuesday before an election)) following the regular filing period and deadline to withdraw; or

(2) ((A nominee for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten-day period immediately following the last day allotted for a candidate to withdraw; or

(3) A vacancy occurs in any nonpartisan office on or after the eleventh Tuesday prior to a primary but prior to the eleventh Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.) A vacancy occurs in an office for which filings have not already been held, leaving an unexpired term.

The filing officer shall provide notice of the vacancy and filing period to newspapers, radio, and television in the county, and online. The position shall appear on the general election ballots unless a candidate for superior court judge is entitled to a certificate of election pursuant to Article 4, section 29 of the state Constitution.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected. This section does not apply to voids in candidacy in the office of precinct committee officer, which are filled by appointment pursuant to RCW 29A.28.071"

On page 24, beginning on line 3 of the striking amendment, after "period," strike all material through "period" on line 9 and insert the following:

"the position shall be open for filing during the regular filing period and a successor shall be qualified at the primary and elected ((to that office)) at ((that)) the general election. If a vacancy occurs after the first day of the regular filing period but before the day of the primary, a successor shall be elected at the general election. Except during the last year of the term of office, if such a vacancy occurs on or after the ((eleventh Tuesday prior to)) day of the primary for that general election,"

Representative Taylor spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hunt spoke against the adoption of the amendment to the committee amendment.

Amendment (517) was not adopted.

Representative Hunt moved the adoption of amendment (515).
0)

On page 26, line 26, after "21," insert "27, 28,"
On page 26, line 28, after "12" insert ",27, 28,"

Representatives Hunt and Taylor spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (515) was adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Hunt, Armstrong and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5171, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representative Kirby.

Excused: Representatives Frockt and Liias.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5171, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5526, by Senators Regala, Delvin, Eide, Zarelli, Murray, Pridemore, Holmquist Newbry, Morton, Hewitt, Chase, Honeyford, Fraser and McAuliffe

Concerning incentives for stirring converters.

The bill was read the second time.

With the consent of the house, amendment (620) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5526.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5526, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt,

Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Reykdal and Upthegrove.

SENATE BILL NO. 5526, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5253, by Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators White, Swecker, Nelson, Litzow and Harper)

Concerning landscape conservation and local infrastructure. Revised for 1st Substitute: Concerning tax increment financing for landscape conservation and local infrastructure.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 65, March 15, 2011).

Representative Springer moved the adoption of amendment (573) to the committee amendment:

On page 5, line 24, after "housing" strike "as defined in RCW 43.185A.010" and insert "~~(as defined in RCW 43.185A.010)~~"

Representatives Springer and Haler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (573) was adopted.

Representative Smith moved the adoption of amendment (572) to the committee amendment.

On page 7, after line 18, insert the following:

"PART III
GOVERNANCE OF PROPERTIES WITH TRANSFERRED RIGHTS

NEW SECTION, Sec. 301. Real property from which development rights were transferred in accordance with this chapter shall be governed by the laws, regulations, and ordinances in effect at the time of transfer."

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Representative Smith spoke in favor of the adoption of the amendment to the committee amendment.

Representative Takko spoke against the adoption of the amendment to the committee amendment.

Amendment (572) was not adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Springer, Wilcox, Asay and Zeiger spoke in favor of the passage of the bill.

Representatives Angel, Orcutt, Rodne and Overstreet spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5253, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5253, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Asay, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Warnick, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Bailey, Buys, Condotta, Crouse, Dahlquist, DeBolt, Fagan, Haler, Hargrove, Harris, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5253, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5636, by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Harper, Shin and Delvin)

Concerning the University Center of North Puget Sound.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For Committee amendment, see Journal, Day 81, March 31, 2011).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells, Haler and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5636, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5636, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Bailey, Billig, Blake, Carlyle, Chandler, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Nealey, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Ross, Ryu, Schmick, Seaquist, Sells, Smith, Springer, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Asay, Buys, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Harris, Klippert, Kretz, Kristiansen, McCune, Moscoso, Orcutt, Overstreet, Parker, Pearson, Reykdal, Rivers, Rodne, Santos, Shea, Short, Stanford, Taylor, Wilcox and Zeiger.

SECOND SUBSTITUTE SENATE BILL NO. 5636, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5204, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove and Stevens)

Concerning juveniles who have been adjudicated of a sex offense.

The bill was read the second time.

With the consent of the house, amendment (606) to the committee amendment was withdrawn.

There being no objection, the committee amendment by the Committee on Ways & Means was not adopted. (For Committee amendment, see Journal, Day 81, March 31, 2011)

Representative Kagi moved the adoption of amendment (628).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.143 and 2010 c 267 s 7 are each amended to read as follows:

(1) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty as provided in this section.

(2) For class A sex offenses or kidnapping offenses committed when the petitioner was fifteen years of age or older, the court may relieve the petitioner of the duty to register if:

(a) At least sixty months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the sixty months prior to filing the petition; and

(c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(3) For sex offenses or kidnapping offenses not included in

subsection (2) of this section, the court may relieve the petitioner of the duty to register if:

(a) At least twenty-four months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the twenty-four months prior to filing the petition; and

(c)((i) The petitioner was fifteen years of age or older at the time the sex offense or kidnapping offense was committed and the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders; or

(ii)) The petitioner ((was under the age of fifteen at the time the sex offense or kidnapping offense was committed and the petitioner)) shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

~~((3))~~ (4) A petition for relief from registration under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.

~~((4))~~ (5) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders, the following factors are provided as guidance to assist the court in making its determination, to the extent the factors are applicable considering the age and circumstances of the petitioner:

- (a) The nature of the registrable offense committed including the number of victims and the length of the offense history;
- (b) Any subsequent criminal history;
- (c) The petitioner's compliance with supervision requirements;
- (d) The length of time since the charged incident(s) occurred;
- (e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;
- (f) Participation in sex offender treatment;
- (g) Participation in other treatment and rehabilitative programs;
- (h) The offender's stability in employment and housing;
- (i) The offender's community and personal support system;
- (j) Any risk assessments or evaluations prepared by a qualified professional;
- (k) Any updated polygraph examination;
- (l) Any input of the victim;
- (m) Any other factors the court may consider relevant.

~~((5))~~ (6) A juvenile prosecuted and convicted of a sex offense or kidnapping offense as an adult may not petition to the superior court under this section.

Sec. 2. RCW 13.40.160 and 2007 c 199 s 14 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) ~~((When))~~ If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court ~~((on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.~~

~~The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.~~

~~The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:~~

- ~~((a)(i) Frequency and type of contact between the offender and therapist;~~
- ~~((ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;~~
- ~~((iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;~~
- ~~((iv) Anticipated length of treatment; and~~
- ~~((v) Recommended crime-related prohibitions.~~

~~The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.~~

~~After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:~~

- ~~((b)(i) Devote time to a specific education, employment, or occupation;~~
- ~~((ii) Undergo available outpatient sex offender treatment for up to~~

two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

— (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

— (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

— (v) Report as directed to the court and a probation counselor;

— (vi) Pay all court ordered legal financial obligations, perform community restitution, or any combination thereof;

— (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

— (viii) Comply with the conditions of any court ordered probation bond; or

— (ix) The court shall order that the offender shall not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

— The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

— At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

— Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

— If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the

disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

— For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

— A disposition entered under this subsection (3) is not appealable under RCW 13.40.230)) may impose the special sex offender disposition alternative under section 3 of this act.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW to read as follows:

(1) A juvenile offender is eligible for the special sex offender disposition alternative when:

(a) The offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and

(b) The offender has no history of a prior sex offense.

(2) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The respondent's version of the facts and the official version of the facts;

(ii) The respondent's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The respondent's social, educational, and employment situation;

(v) Other evaluation measures used.

The report shall set forth the sources of the evaluator's information.

(b) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) The frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(3) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years.

(4) As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(a) Devote time to a specific education, employment, or occupation;

(b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(c) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(d) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(e) Report as directed to the court and a probation counselor;

(f) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(g) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or

(h) Comply with the conditions of any court-ordered probation bond.

(5) If the court orders twenty-four hour, continuous monitoring of the offender while on probation, the court shall include the basis for this condition in its findings.

(6)(a) The court must order the offender not to attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings.

(b) The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district.

(c) The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(b) At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

(c) Except as provided in this subsection, examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW.

(d) A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (iii) the evaluation and treatment plan comply with this subsection and the rules adopted by the department of health.

(8)(a) If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days confinement for violating conditions of the disposition.

(b) The court may order both execution of the disposition and up to thirty days confinement for the violation of the conditions of the disposition.

(c) The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(9) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(10) A disposition entered under this section is not appealable under RCW 13.40.230.

Sec. 4. RCW 13.50.050 and 2010 c 150 s 2 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central recordkeeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central recordkeeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central recordkeeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12)(a) The court shall not grant any motion to seal records for class A offenses made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has (~~not~~) been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

((~~+~~)) (vi) Full restitution has been paid.

(b) The court shall not grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions made under subsection (11) of this section unless:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has (~~not~~) been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a)(i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol,

and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(c) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(b) or (c) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(b) or (c) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection,

identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

Sec. 5. RCW 72.09.345 and 2008 c 231 s 49 are each amended to read as follows:

(1) In addition to any other information required to be released under this chapter, the department is authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public concerning offenders convicted of sex offenses.

(2) In order for public agencies to have the information necessary to notify the public as authorized in RCW 4.24.550, the secretary shall establish and administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders. ~~((The committee shall assess, on a case-by-case basis, the public risk posed by sex offenders who are: (a) Preparing for their release from confinement for sex offenses committed on or after July 1, 1984; and (b) accepted from another state under a reciprocal agreement under the interstate compact authorized in chapter 72.74 RCW.))~~

(3) The committee shall assess, on a case-by-case basis, the public risk posed by:

(a) Offenders preparing for release from confinement for a sex offense or sexually violent offense committed on or after July 1, 1984;

(b) Sex offenders accepted from another state under a reciprocal agreement under the interstate corrections compact authorized in chapter 72.74 RCW;

(c) Juveniles preparing for release from confinement for a sex offense and releasing from the department of social and health services juvenile rehabilitation administration;

(d) Juveniles, following disposition, under the jurisdiction of a county juvenile court for a registerable sex offense; and

(e) Juveniles found to have committed a sex offense and accepted from another state under a reciprocal agreement under the interstate compact for juveniles authorized in chapter 13.24 RCW.

(4) Notwithstanding any other provision of law, the committee shall have access to all relevant records and information in the possession of public agencies relating to the offenders under review, including police reports; prosecutors' statements of probable cause; presentence investigations and reports; complete judgments and sentences; current classification referrals; criminal history summaries; violation and disciplinary reports; all psychological evaluations and psychiatric hospital reports; sex offender treatment program reports; and juvenile records. Records and information obtained under this subsection shall not be disclosed outside the committee unless otherwise authorized by law.

~~((4))~~ (5) The committee shall review each sex offender under its authority before the offender's release from confinement or start of the offender's term of community custody in order to: (a) Classify the offender into a risk level for the purposes of public notification under RCW 4.24.550; (b) where available, review the offender's proposed

release plan in accordance with the requirements of RCW 72.09.340; and (c) make appropriate referrals.

~~((5))~~ (6) The committee shall classify as risk level I those sex offenders whose risk assessments indicate a low risk of reoffense within the community at large. The committee shall classify as risk level II those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large. The committee shall classify as risk level III those offenders whose risk assessments indicate a high risk of reoffense within the community at large.

~~((6))~~ (7) The committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities. The narrative notices shall, at a minimum, describe the identity and criminal history behavior of the offender and shall include the department's risk level classification for the offender. For sex offenders classified as either risk level II or III, the narrative notices shall also include the reasons underlying the classification.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall publish on its web site, with a link to the safety center web page, a revised and updated sample policy for schools to follow regarding students required to register as sex or kidnapping offenders."

Correct the title.

Representative Kagi moved the adoption of amendment (634) to amendment (628).

0)

On page 1, line 23, after "For" strike "sex offenses or kidnapping offenses" and insert "all other sex offenses or kidnapping offenses committed by a juvenile"

Representatives Kagi and Walsh spoke in favor of the adoption of the amendment to the amendment.

Amendment (634) was adopted.

Representative Pearson moved the adoption of amendment (636) to amendment (628).

0)

On page 19, after line 33 of the amendment, insert the following:
"Sec. 7. RCW 9A.44.130 and 2010 c 267 s 2 and 2010 c 265 s 1 are each reenacted and amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. When a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within three business days prior to arriving at the school to attend classes, notify the sheriff for the county of the person's residence of

the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within three business days prior to arriving at the institution, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within three business days prior to commencing work at the institution, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within three business days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) The sheriff shall notify the school district and the school's principal or the institution's department of public safety and shall provide ~~((that department with))~~ the same information provided to a county sheriff under subsection ~~((3))~~ (2) of this section.

~~((d))~~(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.)

~~((3))~~ (2)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) sentence imposed for conviction; (viii) aliases used; ~~((viii))~~ (ix) social security number; ~~((ix))~~ (x) photograph; and ~~((x))~~ (xi) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) sentence imposed for conviction; (vii) aliases used; ~~((viii))~~ (viii) social security number; ~~((viii))~~ (ix) photograph; ~~((ix))~~ (x) fingerprints; and ~~((x))~~ (xi) where he or she plans to stay.

~~((4))~~ (3)(a) Offenders shall register with the county sheriff within the following deadlines:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official

designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection ((4)) (3)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection ((4)) (3)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or

after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register within three business days of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within three business days of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within three business days from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within three business days of receiving notice of this registration requirement.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than three business days after entering the county and provide the information required in subsection ((3)) (2)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within three business days after establishing residence,

or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of RCW 9A.44.132, or arraignment on charges for a violation of RCW 9A.44.132, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under RCW 9A.44.132 who asserts as a defense the lack of notice of the duty to register shall register within three business days following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection ~~((4))~~ (3)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address to the county sheriff within three business days of moving.

(b) If any person required to register pursuant to this section moves to a new county, the person must register with that county sheriff within three business days of moving. Within three business days, the person must also provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within three business days after ceasing to have a fixed residence. The notice shall include the information required by subsection ~~((3))~~ (2)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within three business days of ceasing to have a fixed residence and has subsequently

complied with the requirements of subsections ~~((4))~~ (3)(a)(vii) or (viii) and ~~((6))~~ (5) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within three business days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. A photograph may be taken at any time to update an individual's file.

(9) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

NEW SECTION. Sec. 8. A new section is added to chapter 9A.44 RCW to read as follows:

(1) When a school district or department of public safety of an institution of higher education receives notice under RCW 9A.44.130 that a person who is required to register as a sex offender plans to attend the school, it shall make the following notifications:

(a) If the student who is required to register as a sex offender is classified as a risk level I or is unclassified, the school district or department of public safety shall provide the information received under RCW 9A.44.130 only to personnel who, in the judgment of the school district, the school principal, or department of public safety, for security purposes should be aware of the student's record.

(b)(i) If the student who is required to register as a sex offender is classified as a risk level II or III, the school district or department of public safety shall provide the information received under RCW 9A.44.130 to the student's teachers and to any other personnel who, in the judgment of the school district, the school principal, or department of public safety, supervises the student or for security purposes should be aware of the student's record.

(ii) If the student who is required to register as a sex offender is classified as a risk level II or III, the school district or department of public safety shall also notify parents, legal guardians, students who are eighteen years of age or older, and any personnel who may observe or come into contact with the student, including school administrators, teachers, staff persons, bus drivers, security staff, coaches, playground supervisors, and maintenance personnel.

(iii) A school district or department of public safety shall provide the notice required by (b)(ii) of this subsection in writing at the beginning of the school year and at any time a new student who is required to register as a sex offender enrolls in or arrives at the school or institution to attend classes. The school district or department of public safety shall also provide the notice by e-mail, if available. The notice provided under (b)(ii) of this subsection must include the name of the student required to register as a sex offender, the crime of conviction, the sentence imposed, and an internet link, if available, to a local law enforcement agency web site where interested persons may seek further information about registered sex offenders.

(2) Any information received by a school district, principal, or school personnel under this section is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other

statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(3) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education."

Representative Pearson spoke in favor of the adoption of the amendment to the amendment.

Representative Hurst spoke against the adoption of the amendment to the amendment.

Amendment (636) was not adopted.

Representative Kagi spoke in favor of the adoption of amendment (628).

Amendment (628) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi, Walsh and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5204, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5204, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Zeiger and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5204, as amended by the House, having received the necessary constitutional majority, was declared passed.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1087, by House Committee on Ways & Means (originally sponsored by Representatives Hunter, Alexander and Darneille).

Making 2011-2013 operating appropriations. Revised for 1st Substitute: Making 2009-2011 and 2011-2013 fiscal biennia operating appropriations.

The bill was read the third time.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1087, by House Committee on Ways & Means (originally sponsored by Representatives Hunter, Alexander and Darneille).

Making 2011-2013 operating appropriations. Revised for 1st Substitute: Making 2009-2011 and 2011-2013 fiscal biennia operating appropriations.

The bill was read the third time.

Representatives Hunter, Darneille, Haigh, Seaquist, Sells, Reykdal, Kagi, Rolfes, Liias, Dickerson, Hasegawa and Sullivan spoke in favor of the passage of the bill.

Representatives Alexander, Bailey, Wilcox, Orcutt, Dahlquist, Fagan, Angel, Dammeier, Armstrong, Klippert, Johnson, Smith, Asay, Rivers, Walsh, Warnick, Ahern, Hargrove, Chandler, Schmick, Anderson, Hope, Hinkle, Overstreet, Shea, Harris and Parker spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1087.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1087, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Lytton, Maxwell, McCoy, Miloscia, Moeller, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representative Morris.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1087, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 6, 2011
HB 2026 Prime Sponsor, Representative Sells: Creating the industrial insurance rainy day account. Reported by Committee on Labor & Workforce Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Sells, Chair; Reykdal, Vice Chair; Green; Kenney; Miloscia; Moeller; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan; Taylor and Warnick.

HB 2034 April 6, 2011
Prime Sponsor, Representative Hudgins:
Reforming and streamlining the sentencing
guidelines commission for the purpose of saving
money. Reported by Committee on State
Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Darneille; Dunshee; Hurst; McCoy and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2026 which was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1965
- SUBSTITUTE SENATE BILL NO. 5072
- SUBSTITUTE SENATE BILL NO. 5156
- SUBSTITUTE SENATE BILL NO. 5202
- SENATE BILL NO. 5389
- SENATE BILL NO. 5480
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5596
- SUBSTITUTE SENATE BILL NO. 5695
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5708

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 11, 2011, the 92nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

1024-S	Speaker Signed	7
1031	Messages	1
1074	Speaker Signed	7
1087-S	Third Reading	18
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1148-S	Messages	1
1153-S2	Speaker Signed	7
1169-S	Speaker Signed	7
1171	Speaker Signed	7
1182	Messages	1
1190	Speaker Signed	7
1191	Speaker Signed	7
1218-S	Messages	1
1223	Speaker Signed	7
1237-S	Messages	1
1239	Speaker Signed	7
1266-S	Speaker Signed	7
1340	Speaker Signed	7
1402-S	Speaker Signed	7
1406-S	Messages	1
1432	Speaker Signed	7
1438-S	Speaker Signed	7
1453-S	Messages	1
1454	Messages	1
1477	Speaker Signed	7
1495-S	Speaker Signed	7
1520	Messages	1
1524-S	Messages	1
1565-S	Speaker Signed	7
1595-S	Speaker Signed	7
1596-S	Speaker Signed	7
1614-S	Speaker Signed	7
1636-S		

Messages	1
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Messages	1
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Speaker Signed	7
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Messages	1
1731-S	
Speaker Signed	7
1822-S	
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1965	
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1966-S	
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2077	
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Messages	1
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5018-S	Speaker Signed	7
5020-S	Speaker Signed	7
5033	Speaker Signed	7
5045	Speaker Signed	7
5068-S	Speaker Signed	7
5070-S	Speaker Signed	8
5072-S	Other Action	19
5076	Speaker Signed	8
5105-S	Speaker Signed	7
5117	Speaker Signed	7
5122-S	Second Reading	3
	Amendment Offered	3
	Third Reading Final Passage	4
5156-S	Other Action	19
5168-S	Speaker Signed	7
5171-S	Second Reading	9
	Amendment Offered	9
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5172	Speaker Signed	7
5187-S	Second Reading	5
	Third Reading Final Passage	5
5202-S	Other Action	19
5204-S	Second Reading	11
	Amendment Offered	11
	Third Reading Final Passage	18
5241	Speaker Signed	8
5253-S	Second Reading	10
	Amendment Offered	10
	Third Reading Final Passage	10
5300-S	Speaker Signed	8
5352-S	Speaker Signed	8
5359-S	Messages	1
5364-S	Messages	1
5374-S	Speaker Signed	8
5386-S	Speaker Signed	7
5389	Other Action	19
5395	Speaker Signed	8
5423-S		

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5428-S	
Messages	1
5442-S	
Speaker Signed	8
5463	
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5480	
Other Action	19
5482	
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Third Reading Final Passage	10
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Amendment Offered	6
Third Reading Final Passage	7
5546-S	
Speaker Signed	7
5555-S	
Speaker Signed	8
5585-S	
Speaker Signed	7
5589	
Speaker Signed	7
5596-S2	
Other Action	19
5633	
Speaker Signed	7
5635-S	
Speaker Signed	7
5636-S2	
Second Reading	10
Third Reading Final Passage	11
5664-S	
Speaker Signed	7
5695-S	
Other Action	19
5708-S	
Other Action	19
5722-S	
Second Reading	4
Third Reading Final Passage	5
5731	
Second Reading	8
Amendment Offered	8
Third Reading Final Passage	8
5741-S	
Second Reading	5
Amendment Offered	5
Third Reading Final Passage	6
5788-S	
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