

THIRTY-SECOND DAY, FEBRUARY 9, 2006

2006 REGULAR SESSION

THIRTY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 9, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Deccio, Franklin, Johnson, Mulliken, Pflug and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Eileen Pollet and Lydia Shepard, presented the Colors. The Most Reverend Bishop Carlos Sevilla of the Catholic Diocese Church offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6893 by Senators Mulliken, Doumit, Finkbeiner and Rasmussen

AN ACT Relating to creating unfunded liabilities stabilization accounts within the public employees' retirement system plan 1 and teachers' retirement system plan 1 funds and making appropriations into the accounts; amending RCW 41.50.075 and 41.50.075; adding a new section to chapter 41.45 RCW; creating new sections; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1120 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Ormsby, Morrell, Roberts, Chase and Linville)

AN ACT Relating to the community and technical college capital projects account; reenacting and amending RCW 43.84.092; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1361 by Representatives Alexander, Simpson, Schindler and Holmquist

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Water, Energy & Environment.

2SHB 1430 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood and Condotta)

AN ACT Relating to sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW

66.28.200; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1813 by Representatives Williams, DeBolt, Hunt and Moeller

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Government Operations & Elections.

SHB 2233 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kristiansen, B. Sullivan, Cox, Sells, Woods, Rodne, Bailey, Pearson, Strow, Campbell, Serben, O'Brien, Ahern, Kretz and Murray)

AN ACT Relating to prioritizing tuition waivers for war veterans; amending RCW 28B.15.910; and creating a new section.

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

HB 2328 by Representatives Lantz and Priest

AN ACT Relating to the insanity defense; amending RCW 10.77.020; and creating a new section.

Referred to Committee on Judiciary.

HB 2331 by Representatives Blake, Buck, Upthegrove, Sump and B. Sullivan

AN ACT Relating to clarifying the public disclosure of sensitive fish and wildlife data; amending RCW 42.56.430; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2339 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Roach and Chase)

AN ACT Relating to business development companies and the participation of financial institutions and nondepository lenders in economic development within the state; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.110, 31.24.120, 31.24.130, 31.24.140, 31.24.150, 31.24.170, 31.24.190, and 31.40.090; adding new sections to chapter 31.24 RCW; adding a new section to chapter 31.35 RCW; adding a new section to chapter 31.40 RCW; and repealing RCW 31.24.040, 31.24.050, 31.24.060, and 31.24.180.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2341 by House Committee on Health Care (originally sponsored by Representatives Moeller, Hinkle,

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Williams, Sells, Upthegrove, Lantz, Morrell, Clibborn, Conway, Kenney and Campbell)

74.08A.250 and 74.08A.260; creating a new section; and providing an effective date.

AN ACT Relating to optometry; amending RCW 18.53.010; and adding a new section to chapter 18.53 RCW.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Health & Long-Term Care.

HB 2358 by Representatives Haigh, Hunt, Nixon, McDermott, Miloscia, Moeller, Chase, Morrell, Springer, Wallace, Ormsby and Schual-Berke

SHB 2402 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan)

AN ACT Relating to penalties for violation of chapter 42.17 RCW, the public disclosure and fair campaign practices act; amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties.

AN ACT Relating to expedited processing of energy facilities and alternative energy resources under the energy facility site evaluation council; and amending RCW 80.50.020, 80.50.075, and 80.50.090.

Referred to Committee on Water, Energy & Environment.

Referred to Committee on Government Operations & Elections.

SHB 2405 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby and Roach)

HB 2366 by Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby

AN ACT Relating to the compensation paid by an insurer to an insurance broker; and amending RCW 48.17.270.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

AN ACT Relating to privileged communications by fire fighters; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SHB 2432 by House Committee on Finance (originally sponsored by Representatives Campbell, Morrell, McCune, McCoy, Appleton, Talcott, Linville, Conway, Sump, Springer, Green, Ericks, Dunn and Sells)

HB 2375 by Representatives Williams, Priest, Rodne and Haler

AN ACT Relating to session law publication; amending RCW 44.20.030 and 44.20.050; adding a new section to chapter 40.04 RCW; and repealing RCW 40.04.035 and 40.04.040.

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Ways & Means.

Referred to Committee on Judiciary.

HB 2380 by Representatives Serben, Lantz, Rodne, Haler and Schual-Berke

HB 2439 by Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Upthegrove and Ormsby

AN ACT Relating to the uniform transfers to minors act; amending RCW 11.114.010, 11.114.020, 11.114.090, 11.114.120, 11.114.140, 11.114.180, 11.114.190, and 11.114.200; and providing an effective date.

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders within three years of home purchase; adding a new section to chapter 82.45 RCW; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

Referred to Committee on Judiciary.

HB 2381 by Representatives Kretz, Blake, Sump, Buri, Haler, Ericks and Holmquist

AN ACT Relating to allowing the reintroduction of beavers into the historic habitat of the species; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; and creating a new section.

HB 2439 by Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Upthegrove and Ormsby

Referred to Committee on Natural Resources, Ocean & Recreation.

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders within three years of home purchase; adding a new section to chapter 82.45 RCW; providing an effective date; and providing a contingent expiration date.

SHB 2394 by House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Morrell, Appleton, Moeller, Lantz, Hasegawa, Williams, Darneille, Santos, Haler, Wallace, Walsh, McIntire and Simpson)

AN ACT Relating to financial literacy; amending RCW

Referred to Committee on Ways & Means.

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SHB 2439 by House Committee on Finance (originally sponsored by Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Uptegrove and Ormsby)

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders within three years of home purchase; adding a new section to chapter 82.45 RCW; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SHB 2439 by House Committee on Finance (originally sponsored by Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Uptegrove and Ormsby)

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders within three years of home purchase; adding a new section to chapter 82.45 RCW; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SHB 2463 by House Committee on Health Care (originally sponsored by Representatives Moeller and Morrell)

AN ACT Relating to dental licensure; and amending RCW 18.32.030 and 18.32.215.

Referred to Committee on Health & Long-Term Care.

HB 2477 by Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne

AN ACT Relating to technical changes to election laws; amending RCW 29A.04.530, 29A.04.611, 29A.24.091, 29A.24.101, 29A.24.111, 29A.40.110, 29A.40.150, and 29A.48.050; and repealing RCW 29A.04.157, 29A.04.610, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.28.010, 29A.28.020, 29A.36.190, 29A.44.220, 29A.46.140, 29A.46.150, 29A.46.210, 29A.46.220, 29A.46.230, 29A.46.240, 29A.46.250, and 29A.72.220.

Referred to Committee on Government Operations & Elections.

SHB 2497 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kilmer, Buri, Hudgins, Skinner, Green, Morrell, Linville, Ormsby, Lantz, Williams, McCoy, Appleton, Moeller, Chase, Conway, P. Sullivan, Haler, Wallace, Sells, Morris, Ericks, Uptegrove and Woods)

AN ACT Relating to assistance for business owners who are active duty national guard members; amending RCW 38.42.010; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2520 by Representative Nixon

AN ACT Relating to recodifying and making technical corrections to public disclosure law; amending RCW 7.07.050, 15.53.9018, 18.20.390, 29A.60.165, 48.31.405, 42.56.250, 42.56.270, 42.56.330, 42.56.360, 74.15.310, 74.15.320, 74.15.330, 74.42.640, and 90.64.190; adding new sections to chapter 42.56 RCW; recodifying RCW 42.17.253, 42.17.31922, and 42.17.31923; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 2543 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Kilmer, Crouse, Nixon, Hudgins, Morrell, Green and Lantz)

AN ACT Relating to the enhanced 911 advisory committee; amending RCW 38.52.530; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Government Operations & Elections.

HB 2562 by Representatives Wood, Conway, Fromhold and Condotta

AN ACT Relating to flavored malt beverage; and amending RCW 66.04.010.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2563 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Fromhold and Condotta)

AN ACT Relating to processing liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2564 by Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Uptegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway

AN ACT Relating to protecting persons with veteran or military status from discrimination; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.222.

Referred to Committee on Government Operations & Elections.

HB 2587 by Representatives Blake, Buck, Takko, Chase, Morrell, Kessler, Williams, Buri, Linville, McCoy, Morris, Flannigan, Eickmeyer, B. Sullivan, Wallace, Dunshee, Haigh, Kenney, Lantz, Hunt and Conway

AN ACT Relating to designating the Lady Washington as the official ship of the state of Washington; and adding a new section to chapter 1.20 RCW.

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Referred to Committee on Government Operations & Elections.

SHB 2601 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Hunter, Anderson, Morris, Jarrett, Nixon, O'Brien, Hudgins, Tom, Kilmer and Wallace)

AN ACT Relating to information technology projects; and amending RCW 43.88A.020, 43.105.160, 43.105.041, and 43.105.825.

Referred to Committee on Government Operations & Elections.

HB 2615 by Representatives Quall, Morris and Clibborn

AN ACT Relating to exempting certain private air ambulance services from licensing under the insurance code; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2654 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, Strow, O'Brien, Lantz, Rodne, Simpson, Clibborn, McDonald, Conway, Miloscia, B. Sullivan and Ericks)

AN ACT Relating to sex offender treatment providers; and amending RCW 18.155.070 and 18.155.075.

Referred to Committee on Human Services & Corrections.

HB 2655 by Representatives Takko, Orcutt, Dunn and Fromhold

AN ACT Relating to disbursement of the metropolitan park district fund; and amending RCW 35.61.210.

Referred to Committee on Government Operations & Elections.

SHB 2656 by House Committee on Local Government (originally sponsored by Representatives Takko, Schindler, Simpson, Dunn, Moeller, Ahern and Fromhold)

AN ACT Relating to allowing counties to have a lien against properties that were levied for storm water control facilities; and amending RCW 36.89.090.

Referred to Committee on Government Operations & Elections.

HB 2676 by Representatives Linville, Jarrett, Simpson, Ericksen, Ahern, Dunn and Uptegrove

AN ACT Relating to making interlocal cooperative agreements available in electronic format; and amending RCW 39.34.040.

Referred to Committee on Government Operations & Elections.

HB 2718 by Representatives Morris, Holmquist, O'Brien, Miloscia and Schindler

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

2SHB 2754 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Campbell, Green, Haigh, Appleton, Kilmer, Darneille, Cox, Ormsby, Haler, Chase, P. Sullivan, McCoy, Wallace, Sells, Serben, Curtis, Moeller, Blake, Cody, Kenney, Conway, Ericks, Clibborn, Kessler, Simpson and Linville)

AN ACT Relating to creation of the veterans innovations program; amending RCW 43.60A.010; adding new sections to chapter 43.60A RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Government Operations & Elections.

HB 2825 by Representatives Lovick and McCoy

AN ACT Relating to deferred disposition of juveniles; and amending RCW 13.40.127.

Referred to Committee on Human Services & Corrections.

SHB 2881 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Appleton, Jarrett, Dickerson, Takko, Morris, Williams, Moeller, Flannigan, Haigh, Hudgins, Wallace, Sells, Kilmer, Schual-Berke, Darneille, Hunt, Campbell, Simpson and Ormsby)

AN ACT Relating to military borrowers doing business with check cashers and sellers; and amending RCW 31.45.210.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2897 by Representatives Condotta and Dunn

AN ACT Relating to liquor licensees holding a caterer's endorsement; and amending RCW 66.04.010, 66.24.320, 66.24.420, and 66.24.210.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2900 by Representative B. Sullivan

AN ACT Relating to the issuance of checks by joint operating agencies; and amending RCW 43.52.375.

Referred to Committee on Government Operations & Elections.

SHB 2908 by House Committee on Local Government (originally sponsored by Representatives Bailey, Schindler and Strow)

AN ACT Relating to Island county boundaries; and amending RCW 36.04.150.

Referred to Committee on Government Operations & Elections.

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HB 2960 by Representative Kessler

AN ACT Relating to rates for the rental of county equipment; and amending RCW 36.33A.040.

Referred to Committee on Government Operations & Elections.

HB 2975 by Representatives Newhouse, Kirby and Dunn

AN ACT Relating to exempt transactions under the securities act of Washington; and amending RCW 21.20.320.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SHB 2979 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Hasegawa, Chase, Roberts and Santos)

AN ACT Relating to addressing cultural upbringing in parenting plans; and amending RCW 26.09.184, 26.09.015, and 26.09.187.

Referred to Committee on Human Services & Corrections.

HB 2983 by Representatives O'Brien, Ericks, Upthegrove, Sells, Kilmer, Green, Pearson, Springer, Conway and Simpson

AN ACT Relating to forwarding of sex offender information; and amending RCW 43.43.540.

Referred to Committee on Human Services & Corrections.

HB 2991 by Representatives Darneille, Walsh, Springer and Simpson

AN ACT Relating to a record check of a metropolitan park district's job applicants, volunteers, and independent contractors; and amending RCW 35.61.130.

Referred to Committee on Government Operations & Elections.

SHB 3003 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wallace, Jarrett, Wood, Hankins, Murray, Haler, Ormsby, Morrell, Strow, McCoy, Upthegrove, Chase, Simpson, Appleton, Sells, Dickerson, Hasegawa, Kenney and Hudgins)

AN ACT Relating to apprenticeship utilization requirements for department of transportation public works projects; amending RCW 39.04.300 and 39.04.320; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 3019 by Representatives Haigh, Alexander, Dunshee and B. Sullivan

AN ACT Relating to chief financial officers in charter counties; and amending RCW 36.22.140.

Referred to Committee on Government Operations & Elections.

HB 3041 by Representatives Alexander, Nixon, Haigh, Darneille and P. Sullivan

AN ACT Relating to voter registration; and amending RCW 29A.08.140 and 29A.08.145.

Referred to Committee on Government Operations & Elections.

HB 3048 by Representatives Moeller and Darneille

AN ACT Relating to the uniform interstate family support act; and amending RCW 26.21A.900.

Referred to Committee on Judiciary.

HB 3056 by Representatives Takko, Woods, Clibborn, B. Sullivan and Springer

AN ACT Relating to payment of claims by checks or warrants; adding a new section to chapter 35.23 RCW; and adding a new section to chapter 35.27 RCW.

Referred to Committee on Government Operations & Elections.

HB 3073 by Representatives McIntire, Nixon, Sommers, Haigh, Morrell, McDermott, Simpson, Hunt, Ericks and Schual-Berke

AN ACT Relating to shared leave for declared emergencies; and amending RCW 41.04.665.

Referred to Committee on Government Operations & Elections.

HEB 3074 by Representatives Serben, Lantz, Haler, McCoy, Chase, Dunn, Green and Morrell

AN ACT Relating to determining the military status of defendants; and amending RCW 38.42.050.

Referred to Committee on Judiciary.

HB 3078 by Representatives Conway, Haigh, McCoy, Linville and Dunn

AN ACT Relating to transferring responsibilities for the World War II oral history project; amending RCW 28A.300.370; adding a new section to chapter 43.60A RCW; creating a new section; recodifying RCW 28A.300.370; and providing an effective date.

Referred to Committee on Government Operations & Elections.

HB 3205 by Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell

AN ACT Relating to the authority to apprehend conditionally released persons; and amending RCW 71.09.098.

Referred to Committee on Human Services & Corrections.

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HJM 4023 by Representatives Moeller, Buck, Kessler, DeBolt, Haigh, Talcott, Morrell, Newhouse, Williams, Serben and Eickmeyer

Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005.

Referred to Committee on Health & Long-Term Care.

HJM 4038 by Representatives Hinkle, Cody and Santos

Requesting that certified diabetes educators be added as Medicare providers.

Referred to Committee on Health & Long-Term Care.

MOTION

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

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen, moved that Gubernatorial Appointment No. 9198, Joan K. Thomas, as a member of the Parks and Recreation Commission, be confirmed.

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

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

MOTION

On motion of Senator Schoesler, Senators Parlette, Johnson, Deccio, Finkbeiner, Benton and Pflug were excused.

APPOINTMENT OF JOAN K. THOMAS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9198, Joan K. Thomas as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9198, Joan K. Thomas as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Absent: Senators Brown, Franklin, Mulliken and Rasmussen - 4

Excused: Senators Deccio, Johnson and Pflug - 3
Gubernatorial Appointment No. 9198, Joan K. Thomas, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel, moved that Gubernatorial Appointment No. 9062, Georgia Gardner, as a member of the Board of Tax Appeals, be confirmed.

Senators Spanel and Benton spoke in favor of passage of the motion.

MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF GEORGIA GARDNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9062, Georgia Gardner as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9062, Georgia Gardner as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Carrell and Mulliken - 2

Excused: Senators Deccio, Johnson and Pflug - 3

Gubernatorial Appointment No. 9062, Georgia Gardner, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

MOTION

At 9:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:32 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 6571, by Senators Berkey, Benton, Fairley, Honeyford, Franklin and Parlette

Refining the definition of "bushing."

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6571 was substituted for Senate Bill No. 6571 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6571 was advanced to third reading,

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

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

MOTION

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6571.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6571 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Deccio, Doumit, Johnson and McAuliffe - 4

SUBSTITUTE SENATE BILL NO. 6571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6336, by Senators Haugen, Prentice, Fairley, Oke, Fraser, Swecker, Shin, Kline, Rockefeller, Eide, Kohl-Welles, Keiser, McAuliffe, Rasmussen, Franklin, Thibaudeau, Jacobsen, Brown and Sheldon

Revising the definition of income for public assistance to exclude housing assistance or housing vouchers for military personnel or veterans. Revised for 1st Substitute: Requesting a federal exemption regarding the definition of income for public assistance.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6336 was substituted for Senate Bill No. 6336 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Esser was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6336 and the bill passed the Senate

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

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

Absent: Senator Prentice - 1

Excused: Senators Deccio, Doumit and McAuliffe - 3

SUBSTITUTE SENATE BILL NO. 6336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6338, by Senators Haugen, Oke, Berkey, Swecker, Eide, Mulliken, Spanel, Kline, Rasmussen, McAuliffe, Shin and Fairley

Regarding the property tax exemption for seniors and for persons retired due to disability.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Deccio, Doumit and McAuliffe - 3

SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6166, by Senators Fairley, Benton, Prentice, Keiser, Franklin, Berkey, Brandland and Benson

Regulating mortgage brokers and loan originators.

MOTION

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On motion of Senator Fairley, Substitute Senate Bill No. 6166 was substituted for Senate Bill No. 6166 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Fairley be adopted.

On page 31, after line 10, insert the following:

"**NEW SECTION. Sec. 23.** The director of the department of financial institutions or the director's designee may take such steps as are necessary to ensure that this act is implemented on the effective date of this section."

Renumber the remaining section.

Senators Benton and Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Fairley on page 31, line 10 to Substitute Senate Bill No. 6166.

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

MOTION

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

On page 1, line 6 of the title, after "19.146 RCW;" insert "creating a new section;"

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

MOTION

On motion of Senator Weinstein, Senators Regala and Thibaudeau were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Absent: Senator Fraser - 1

Excused: Senators Deccio, Doumit, McAuliffe, Pflug, Regala and Thibaudeau - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6166, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5385 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5385, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Oke, Fraser, Swecker and Kline)

Creating the Washington invasive species council.

The measure was read the second time.

MOTION

Senator Oke moved that the following striking amendment by Senators Oke and Jacobsen be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) The land, water, and other resources of Washington are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species.

(2) These impacts are resulting in damage to Washington's environment and causing economic hardships.

(3) The multitude of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species in Washington need a mechanism for cooperation, communication, collaboration, and developing a statewide plan of action to meet these threats.

NEW SECTION. Sec. 2. (1) There is created the Washington invasive species council to exist until December 31, 2011. Staff support to the council shall be provided by the committee and from the agencies represented on the council. For administrative purposes, the council shall be located within the committee.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

NEW SECTION. Sec. 3. (1) Membership in the council includes a representative from the following state entities:

(a) The department of agriculture, represented by the director or the director's designee;

(b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

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(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee; and

(f) The Washington state noxious weed control board, appointed by the board.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees.

NEW SECTION. Sec. 4. The council's goals are to:

(1) Minimize the effects of harmful invasive species on Washington's citizens and ensure the economic and environmental well-being of the state;

(2) Serve as a forum for identifying and understanding invasive species issues from all perspectives;

(3) Serve as a forum to facilitate the communication, cooperation, and coordination of local, tribal, state, federal, private, and nongovernmental entities for the prevention, control, and management of nonnative invasive species;

(4) Serve as an avenue for public outreach and for raising public awareness of invasive species issues;

(5) Develop and implement a statewide invasive species strategic plan as described in this chapter;

(6) Review the current funding mechanisms and levels for state agencies to manage noxious weeds on the lands under their authority;

(7) Make recommendations for legislation necessary to carry out the purposes of this chapter;

(8) Establish criteria for the prioritization of invasive species response actions and projects; and

(9) Utilizing the process described in subsection (8) of this section, select at least one project per year from the strategic plan for coordinated action by the Washington invasive species councilmember entities.

NEW SECTION. Sec. 5. (1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the biodiversity council, the state noxious weed control board, and other appropriate reports and activities.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

(b) Prevention of new biological invasions through deliberate or unintentional introduction;

(c) Inventory and monitoring of invasive species;

(d) Early detection of and rapid response to new invasions;

(e) Control, management, and eradication of established populations of invasive species;

(f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;

(g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;

(h) Research and public education;

(i) Funding and resources available for invasive species prevention, control, and management; and

(j) Recommendations for legislation necessary to carry out the purposes of this chapter.

(3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year.

The council shall complete the initial strategic plan within two years of the effective date of this section.

(4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement elements of the completed plan that are applicable to the department or agency.

NEW SECTION. Sec. 6. (1) The council shall submit an annual report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each year. The annual report must include an evaluation of progress made in the preceding year to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following year.

(2) Prior to the start of the 2011 legislative session, the council must prepare a report to the appropriate committees of the legislature that makes recommendations as to the extension or modification of the council.

NEW SECTION. Sec. 7. The council may establish advisory and technical committees that it considers necessary to aid and advise the council in the performance of its functions. The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms, and organization of the committees and appoint their members.

NEW SECTION. Sec. 8. The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to carry out the purposes of the council. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director of the committee is required for expenditures. All expenditures must be directed by the council.

Sec. 9. RCW 79A.25.010 and 1989 c 237 s 2 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

(6) "Director" means the director of the interagency committee for outdoor recreation.

(7) "Council" means the Washington invasive species council created in section 2 of this act.

NEW SECTION. Sec. 10. Section 8 of this act expires December 31, 2011.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act are each added to chapter 79A.25 RCW."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Oke and Jacobsen to Substitute Senate Bill No. 5385.

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

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MOTION

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

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 79A.25.010; adding new sections to chapter 79A.25 RCW; and providing an expiration date."

MOTION

On motion of Senator Schoesler, Senator Finkbeiner was excused.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 8; Absent, 1; Excused, 6.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 34

Voting nay: Senators Carrell, Delvin, Honeyford, Johnson, Mulliken, Pflug, Schoesler and Stevens - 8

Absent: Senator Hewitt - 1

Excused: Senators Deccio, Doumit, Finkbeiner, McAuliffe, Regala and Thibaudeau - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6219, by Senators Keiser, Weinstein, Eide, Pridemore, Prentice, Berkey, Fraser and Kohl-Welles

Providing for financial literacy education.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Benton and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

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

Absent: Senator Hewitt - 1

Excused: Senators Deccio, Doumit, McAuliffe, Regala and Thibaudeau - 5

SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 6439, by Senators Doumit, Oke, Jacobsen, Schoesler and Delvin

Concerning coastal crab fisheries licenses.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

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Excused: Senators Deccio, Doumit, Hewitt, McAuliffe and Regala - 5

SUBSTITUTE SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6823, by Senator Kohl-Welles

Modifying provisions relating to the distribution of beer and wine.

MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6823 was substituted for Senate Bill No. 6823 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 6823 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6823.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6823 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6152, by Senators Kastama and Kline

Regarding penalties for violations of the public disclosure act.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW to read as follows:

It is the intent of the legislature to increase the authority of the public disclosure commission to more effectively foster

compliance with our state's public disclosure and fair campaign practices act. It is the intent of the legislature to make the agency's penalty authority for violations of this chapter more consistent with other agencies that enforce state ethics laws and more commensurate with the level of political spending in the state of Washington.

Sec. 2. RCW 42.17.390 and 1993 c 2 s 28 are each amended to read as follows:

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates RCW 42.17.640 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(5) Any person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount ~~((he failed to report))~~ not reported as required.

(6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

Sec. 3. RCW 42.17.395 and 1989 c 175 s 91 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such determination.

(2) The commission, in cases where it chooses to determine whether an actual violation ~~((of this chapter))~~ has occurred, shall hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to make such determination. Any order that the commission issues under this section shall be pursuant to such hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360.

(4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390 ~~((1) (b), (c), (d), or (e): PROVIDED, That))~~ (2) through (5). No individual penalty assessed by the commission may exceed one thousand seven hundred dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed ~~((two))~~ four thousand ~~((five))~~ two hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the Administrative Procedure Act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days as provided in RCW 34.05.542, the commission may

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petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Kastama and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Senate Bill No. 6152.

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

MOTION

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

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 42.17.390 and 42.17.395; adding a new section to chapter 42.17 RCW; and prescribing penalties."

REMARKS BY THE PRESIDENT

President Owen: "The President would just make a note to the members' questions come up about moving title amendments. We have agreed when a title amendment is necessary because of the passage of an amendment it goes with the amendment. It is not necessary to move it."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6152 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Benton, Hewitt and Pflug - 3

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the

eighth order of business.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION 8706

By Senators Spanel, Fraser, Swecker and Brandland

WHEREAS, Puget Sound Energy's Green Power Program offers the use of environmentally friendly and renewable energy sources, such as wind, solar, and biomass to its customers; and

WHEREAS, Western Washington University and The Evergreen State College students voted overwhelmingly to implement student fees in order to purchase 100% renewable energy; and

WHEREAS, The United States Environmental Protection Agency and the United States Department of Energy awarded Western Washington University the 2005 National Green Power Leadership Award, and recognized its achievement as one of the Top 25 leaders in the transition to renewable energy; and

WHEREAS, Western Washington University is Puget Sound Energy's top purchaser of Green Power; and

WHEREAS, The Evergreen State College and its students were commended by Puget Sound Energy for their 100% commitment to Green Power; and

WHEREAS, Western Washington University and The Evergreen State College each received a "Power Player Award" sponsored by Puget Sound Energy and Seattle City Light for their commitment to environmental stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend The Evergreen State College and Western Washington University for exemplary implementation of earth-friendly energy sources; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Western Washington University and The Evergreen State College.

Senators Spanel, Fraser, Swecker and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

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

MOTION

At 11:50 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:59 p.m. by President Owen.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9234, Elizabeth Chen, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senators Eide and Keiser spoke in favor of the motion.

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MOTION

On motion of Senator Regala, Senators Haugen, Poulsen, Thibaudeau and Brown were excused.

MOTION

On motion of Senator Schoesler, Senators Johnson, Morton, Stevens, Honeyford, Brandland and Delvin were excused.

APPOINTMENT OF ELIZABETH CHEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9234, Elizabeth Chen as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9234, Elizabeth Chen as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

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

Absent: Senators Benson, Franklin, Hewitt and Kastama - 4

Excused: Senators Brown, Deccio, Haugen, Poulsen and Thibaudeau - 5

Gubernatorial Appointment No. 9234, Elizabeth Chen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9396, Karen Vander Ark, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senator Eide spoke in favor of the motion.

MOTION

On motion of Senator Weinstein, Senator Doumit was excused.

MOTION

On motion of Senator Schoesler, Senator Hewitt was excused.

APPOINTMENT OF KAREN VANDER ARK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9396, Karen Vander Ark as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9396, Karen Vander Ark as a

member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Excused: Senators Brown, Deccio, Doumit, Haugen, Hewitt, Poulsen and Thibaudeau - 7

Gubernatorial Appointment No. 9396, Karen Vander Ark, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING

SENATE BILL NO. 6323, by Senators Regala, Swecker, Kastama and Rasmussen

Limiting exceptions to the reporting requirements under chapter 42.17 RCW. Revised for 1st Substitute: Concerning campaign finance disclosure.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6323 was substituted for Senate Bill No. 6323 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Regala yield to a question? I noticed in the bill report there's a summary of the substitute bill it actually speaks to the personal financial information. Could you clarify for me, does this bill change not only the reporting requirements for campaign contributions but also changes the law in terms of your F-1, your Personal Financial Affairs Statement as well?"

Senator Regala: "Thank you for the question. It is my understanding it does not change that requirement. Certainly is not my intention to do that but the current law would still apply, so it would only be campaign contributions."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6323.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6323 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 2; Excused, 5.

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

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Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Voting nay: Senators Honeyford, Mulliken and Schoesler -

3

Absent: Senators Pflug and Prentice - 2

Excused: Senators Brown, Deccio, Doumit, Haugen and Poulsen - 5

SUBSTITUTE SENATE BILL NO. 6323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:21 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:40 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6319, by Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton

Changing provisions for sex offender registration.

MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 6319 was substituted for Senate Bill No. 6319 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Second Substitute Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Stevens, Hargrove, Kohl-Welles, Kline and Benson spoke in favor of passage of the bill.

Senator Thibaudeau spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6319.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6319 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Pridemore - 1

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There

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being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6320, by Senators Regala, Brandland, Franklin, Doumit, Rasmussen, Carrell, Haugen, Pridemore, Kline, Stevens, Keiser, Berkey, Thibaudeau, Jacobsen, Pflug, Sheldon, Kohl-Welles, McAuliffe, Roach and Benton

Revising the model policy for disclosure of sex offender information.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6320 was substituted for Senate Bill No. 6320 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6320.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6320 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

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

Voting nay: Senator Pridemore - 1

Absent: Senator Rockefeller - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Rockefeller: I was absent from the Chamber during a final vote on Substitute Senate Bill No. 6320, having stopped outside the north door to meet with constituents, and not hearing any "Roll Call!" message as is customarily delivered to enable timely return. Had I been present I would have voted "Aye". Kindly record this explanation.

SENATOR PHIL ROCKEFELLER, 23rd Legislative District

SECOND READING

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SENATE BILL NO. 6322, by Senators Regala, Brandland, Kohl-Welles, Carrell, Kastama, Stevens, Keiser, Doumit, Rockefeller, Kline, Rasmussen, Berkey, Haugen, Shin, Jacobsen, McAuliffe, Pflug, Sheldon, Roach and Benton

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

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

Relating to electronic monitoring of sex offenders.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6144.

MOTIONS

ROLL CALL

On motion of Senator Regala, Substitute Senate Bill No. 6322 was substituted for Senate Bill No. 6322 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6144 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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

Voting nay: Senator Pridemore - 1

Excused: Senator Deccio - 1

MOTION

On motion of Senator Weinstein, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6322.

SUBSTITUTE SENATE BILL NO. 6144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6322 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

SENATE BILL NO. 6172, by Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton

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

Strengthening sex offender provisions. Revised for 2nd Substitute: Increasing penalties for specified sex offenses.

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

SECOND READING

SENATE BILL NO. 6144, by Senators Stevens, Benton, Carrell, Regala, Benson and Pflug

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6172 was substituted for Senate Bill No. 6172 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Stevens and Thibaudeau spoke in favor of passage of the bill.

Clarifying the effect of retroactive registration requirements on sex offenders convicted in Washington who leave and then return to the state. Revised for 1st Substitute: Changing registration requirements for sex offenders coming from outside the state who establish or reestablish Washington residency.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6172.

ROLL CALL

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 6144 was substituted for Senate Bill No. 6144 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 6144 was advanced to third reading,

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

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Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Kohl-Welles, Poulsen and Pridemore

- 3

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6315, by Senators Carrell, Benton, Roach, Mulliken, Oke, Schoesler, Schmidt, Regala, Delvin, Stevens, Benson, Sheldon and Esser

Modifying sex offender provisions. Revised for 1st Substitute: Providing liability protection for landlords.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6315 was substituted for Senate Bill No. 6315 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The legislature finds that, in order to improve the safety of our communities, more housing needs to be made available to registered sex offenders. The legislature also finds that registered sex offenders who reside in close proximity to one another, or in the same housing or apartment unit, are less likely to reoffend. The legislature finds that having registered sex offenders reside in close proximity to each other will improve supervision and monitoring. The legislature intends to increase the housing available to sex offenders by providing that landlords who rent to registered sex offenders shall be immune from civil liability for damages that may result.

NEW SECTION. Sec. 2 A new section is added to chapter 59.18 RCW to read as follows:

A landlord who rents to a registered sex offender is immune from civil liability for damages caused by the tenant. In order for a landlord to be protected from liability as provided under this section, a landlord must disclose to residents of the property that he or she rents or has a policy of renting to sex offenders.

NEW SECTION. Sec. 3 (1) The Washington association of sheriffs and police chiefs shall conduct a study on sex offender registration and sex offender housing laws in every state. The study may be limited to a review and analysis of each state's laws regarding: (a) Whether and how often sex offenders are required to report in person to law enforcement; (b) whether and how often law enforcement is required to make in-person contact with registered sex offenders in the community; (c) the characteristics of sex offenders subject to registration requirements; (d) estimates on the costs and benefits of more frequent in-person contact between law enforcement and sex offenders in the community; (e) restrictions on or supports for sex offender housing units in the community regarding housing more than one offender in the same residence; and (f) the costs and benefits of permitting or encouraging housing in the community for more than one sex offender in the same residence.

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(2) The findings and any recommendations from the study shall be placed into a final report to the appropriate committees of the legislature no later than December 31, 2006."

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

MOTION

Senator Weinstein moved that the following amendment by Senators Weinstein and Carrell to the striking amendment be adopted.

On page 1, after "tenant" on line 17, insert the following: "if the actions of the tenant that gave rise to civil liability were sex offenses described in RCW 9.94A.030"

Senators Weinstein and Carrell spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Weinstein and Carrell on page 1, line 17 to the striking amendment to Substitute Senate Bill No. 6315.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Carrell as amended to Substitute Senate Bill No. 6315.

The motion by Senator Carrell carried and the striking amendment as amended was adopted by voice vote.

MOTION

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

On page 1, line 1 of the title, after "landlords;" strike the remainder of the title and insert "adding a new section to chapter 59.18 RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6315.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Deccio - 1

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ENGROSSED SUBSTITUTE SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6325, by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe

Establishing residences for sex offenders. Revised for 1st Substitute: Establishing residence restrictions for sex offenders.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6325 was substituted for Senate Bill No. 6325 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Benson and Thibaudeau - 2

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6406, by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke

Including assault of a child in the second degree in the list of two-strike offenses.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6406 was substituted for Senate Bill No. 6406 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6406 was advanced to third reading,

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

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

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6406.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6406 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Kline, Kohl-Welles, Poulsen and Pridemore - 4

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6409, by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Oke

Revising provisions relating to sex offender sentencing and disposition alternatives.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6409 was substituted for Senate Bill No. 6409 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.670 and 2004 c 176 s 4 and 2004 c 38 s 9 are each reenacted and amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Alford plea" or "Newton plea" means a guilty plea in which an offender refuses to admit the commission of a criminal act or protests his or her innocence.

(b) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider or a certified affiliate sex offender treatment provider as defined in RCW 18.155.020.

~~((b))~~ (c) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the

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function of any body part or organ, or that causes a fracture of any body part or organ.

~~((c))~~ (d) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense. An offender pleading guilty must voluntarily admit to the commission of all the elements of the crime of conviction. An offender who enters an Alford plea or Newton plea on a sex offense shall not be eligible for the special sex offender sentencing alternative;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) 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 offender, may order an examination to determine whether the offender is amenable to treatment.

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

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

(ii) The offender's offense history;

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

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

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

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

(i) Frequency and type of contact between 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 and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(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 examiner shall be selected by the party making the motion. The offender 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.

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(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535~~((2))~~ (3). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(c) The court shall order treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection (7)(b) of this section.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

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(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work; or

(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

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

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may:

(a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(9)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (10) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community

custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. 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 unless 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; or

(b)(i) 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

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

Sec. 2. RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are each reenacted and 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 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.

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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. An offender pleading guilty must voluntarily admit to the commission of all the elements of the crime of conviction. An offender who enters an Alford plea or Newton plea on a sex offense shall not be eligible for the special sex offender sentencing alternative. If the court otherwise 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.

(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.

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(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) 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.

(9) 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.

(10) 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."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Brandland and Stevens to Substitute Senate Bill No. 6409.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "prohibiting offenders who enter Alford pleas or Newton pleas from receiving special sex offender sentencing and disposition alternatives; reenacting and amending RCW 9.94A.670 and 13.40.160; and prescribing penalties."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6409.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6409 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6576, by Senators Hargrove, Brandland, Rasmussen and McAuliffe

Clarifying procedures for forwarding sex offender information.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6576.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6576 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Deccio - 1

SENATE BILL NO. 6576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6580, by Senators McAuliffe, Schmidt, Weinstein, Carrell, Berkey, Rasmussen, Oke and Shin

Creating work groups to evaluate issues relating to juvenile sex offenders and kidnapping offenders in schools.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6580 was substituted for Senate Bill No. 6580 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The office of the superintendent of public instruction shall convene a work group to develop a model policy for schools to follow when they receive notification pursuant to RCW 9A.44.130. The model policy must address, among other issues:

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(a) The designation of appropriate school personnel to receive notification of information received pursuant to RCW 9A.44.130;

(b) Identification of school personnel who are in a position to recognize high-risk situations or factors that may indicate the offender is encountering difficulty in controlling his or her behavior;

(c) Whether some portion of the records received from the juvenile rehabilitation administration or court personnel is confidential or otherwise protected;

(d) To whom some portion of the information received must or should be disclosed;

(e) How to assist juvenile offenders in making a safe and successful transition from institutional schools to public schools;

(f) How to work with juvenile probation and juvenile parole professionals in implementing a safety plan;

(g) What actions school authorities may take when they identify high-risk situations, both for the short-term and long-term safety of other students; and

(h) Variations in approaches depending on the offender level of the enrolled offender.

(2) In carrying out its duties under this section, the office of the superintendent of public instruction shall consult, as appropriate, with representatives from other agencies and professional organizations, including:

(a) The Washington state school directors association;

(b) The department of corrections;

(c) County sheriffs' offices;

(d) Prosecuting attorneys;

(e) Juvenile probation counselors;

(f) Juvenile court administrators;

(g) The juvenile rehabilitation administration of the department of social and health services;

(h) Elementary and secondary school districts;

(i) Educational service districts;

(j) The Washington association of school administrators;

(k) The Washington state parent-teacher association;

(l) Parents and guardians of school-age children;

(m) Washington coalition of sexual assault programs; and

(n) Other individuals with related experience as deemed appropriate.

(3) The office of the superintendent of public instruction shall submit to appropriate committees of the legislature a final report and recommendations by November 15, 2006.

(4) This section expires July 1, 2007.

NEW SECTION. Sec. 2. The Washington coalition of sexual assault programs, in consultation with the Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the office of the superintendent of public instruction, shall develop educational materials to be made available throughout the state to inform parents and other interested community members about:

(1) The laws related to sex offenses, including registration, community notification and the classification of sex offenders based on an assessment of the risk of reoffending;

(2) How to recognize behaviors characteristic of sex offenses and sex offenders;

(3) How to prevent victimization, particularly that of young children;

(4) How to take advantage of community resources for victims of sexual assault; and

(5) Other information as deemed appropriate.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

Senators McAuliffe and Hargrove spoke in favor of adoption of the striking amendment.

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The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe to Substitute Senate Bill No. 6580.

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

MOTION

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

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6775, by Senators Hargrove, Stevens, Rasmussen and McAuliffe

Creating the crime of criminal trespass against children.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6775 was substituted for Senate Bill No. 6775 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Stevens and Pflug spoke in favor of passage of the bill.

Senator Kohl-Welles spoke against passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6775.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6775 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Kline, Kohl-Welles, Poulsen and Rockefeller - 4

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6460, by Senators Hargrove, Stevens, McCaslin, McAuliffe, Keiser, Rasmussen, Benton, Roach and Oke

Increasing penalties for crimes committed with sexual motivation.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 6460 was substituted for Senate Bill No. 6460 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Kohl-Welles spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6460.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6460 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford,

Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Fraser, Kline, Kohl-Welles, Poulsen, Pridemore and Thibaudeau - 6

Excused: Senator Deccio - 1

SECOND SUBSTITUTE SENATE BILL NO. 6460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:29 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6465, by Senators McAuliffe, Berkey, Haugen, Fairley, Shin, Rockefeller, Hargrove, Rasmussen, Franklin, Thibaudeau and Regala

Changing provisions relating to sex offenders. Revised for 1st Substitute: Creating the crime of failure to cooperate with law enforcement regarding another's failure to register.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6465 was substituted for Senate Bill No. 6465 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Kline and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Mulliken, Parlette, McCaslin, Pflug and Stevens were excused.

POINT OF INQUIRY

Senator Morton: "Would the gentleman from Hoquiam, Aberdeen yield to a question? Senator Hargrove, would you refresh me please as to the boundaries of a....this is a Class C felony. What are the sentences that are identified with a Class C felony?"

Senator Hargrove: "Unranked, I believe, is up to a year in prison. Unranked Class C felony is up to a year in prison. And again just to clarify....unranked? I don't think so. Well, the Judiciary Chair is telling me something else, but he is often wrong. The other thing that I want to make clear is you have to have an intent to be concealing something from the police here. So it's not like you see some guy crossing the street that's your

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neighbor and you wonder, 'Gee, is that a sex offender? Should I call the police? That's not going to be a crime. So if they come looking for him and the police is asking and you're trying to help him elude. So you do have to prove that intent too to get this.'

MOTION

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6465.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6465 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senator Pridemore - 1

Absent: Senator Delvin - 1

Excused: Senators Deccio, McCaslin and Parlette - 3

SUBSTITUTE SENATE BILL NO. 6465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6478, by Senators Regala, Hargrove, McAuliffe, Keiser and Rasmussen

Creating sexual assault protection orders.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of

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Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Deccio, Delvin, McCaslin and Parlette - 4

SUBSTITUTE SENATE BILL NO. 6478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "Thank you Mr. President. I think we need to take a break from all these sex bills. I just wanted everybody to know the noise heard out there is our graduating students from the State Patrol. Tomorrow, it's official. So it's not a rowdy bunch, it's just folks celebrating after their schools."

SECOND READING

SENATE BILL NO. 6479, by Senators Regala, McAuliffe and Kline

Revising the privilege for sexual assault advocates.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6479.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6479 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Deccio, Delvin, McCaslin and Parlette - 4

SENATE BILL NO. 6479, having received the constitutional majority, was declared passed. There being no

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

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

SECOND READING

SENATE BILL NO. 6502, by Senators Roach, Kohl-Welles, Weinstein, Kline, McCaslin, Benton and Rasmussen

MOTION

Creating a statewide automated victim information and notification system.

Senators Benton, Fraser, Hargrove, Stevens and Sheldon spoke in favor of passage of the bill.

On motion of Senator Schoesler, Senator Finkbeiner was excused.

MOTIONS

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519.

On motion of Senator Hargrove, Substitute Senate Bill No. 6502 was substituted for Senate Bill No. 6502 and the substitute bill was placed on the second reading and read the second time.

ROLL CALL

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6502.

Excused: Senators Deccio and McCaslin - 2

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6502 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

SUBSTITUTE SENATE BILL NO. 6519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

Absent: Senator Finkbeiner - 1

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6429, by Senators Jacobsen, Oke, Haugen, Honeyford and Rasmussen

Exempting certain Native American cultural resources information from public disclosure.

The measure was read the second time.

MOTION

SECOND READING

SENATE BILL NO. 6519, by Senators Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 6429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6429.

Requiring sex offenders to verify twice a year that registration information is accurate. Revised for 1st Substitute: Requiring level III sex offenders to report to law enforcement every three months.

ROLL CALL

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 6519 was substituted for Senate Bill No. 6519 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Senate Bill No. 6429 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 6519 was advanced to third reading,

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

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Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and McCaslin - 2

SENATE BILL NO. 6429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6334, by Senators Fairley, Benton, Franklin, Kline, Rasmussen and Shin

Increasing the debt limit of the housing finance commission.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6334.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6334 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Mulliken and Schoesler - 2

Excused: Senators Deccio and McCaslin - 2

SENATE BILL NO. 6334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6597, by Senators Johnson, Kline, Weinstein and Esser

Modifying trusts and estates, generally.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6597 was substituted for Senate Bill No. 6597 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Johnson and Prentice spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Brandland: "Would Senator Kline yield to a question? Senator Kline, I'm pretty new in the legislature, but in the short, four years that I've been here, I don't think I've ever seen a bill title that says 'Modifying trust in a states, generally'. I thought we were a little bit more specific in our bill titles? Perhaps Senator Weinstein could maybe explain this, I don't know?"

Senator Kline: "You know, Mr. President, considering his specialized knowledge, I think maybe this is something for the good Senator when they the prime sponsor of this bill. I know it's a Bar bill and we give us a package they work it over so thoroughly that they're probably qualified to use the word 'generally.' Thanks."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6597.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6597 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Deccio and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6537, by Senators Kohl-Welles, Parlette, Hewitt, Honeyford, Keiser and McAuliffe

Modifying requirements for the direct sale of wine to Washington state consumers.

The measure was read the second time.

MOTION

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

On page 5, beginning on line 10, strike all of subsection (7) and insert the following:

"(7) For the purposes of this section, out-of-state wineries shall pay taxes under this section on wine sold and shipped

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directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser."

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Parlette on page 5, line 10 to Senate Bill No. 6537.

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

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 6537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6537.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6537 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE BILL NO. 6537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Shin, Rasmussen, Rockefeller, Weinstein, Kastama, Kohl-Welles, Pridemore, Berkey, Doumit, McAuliffe, Franklin, Keiser, Regala, Fairley, Prentice, Jacobsen, Fraser and Haugen

Requesting the United States trade representative to create a federal-state international trade policy commission.

The measure was read the second time.

MOTION

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

On page 1, line 5, after "AMBASSADOR", strike "ROBERT B. ZOELLICK", and insert "ROB PORTMAN"

On page 2, line 7, after "There is", strike "no clear precedent or structure for federal-state trade policy consultations", and

insert "a need for a stronger federal-state trade policy consultation mechanism"

On page 2, line 31, after "Ambassador", strike "Robert B. Zoellick", and insert "Rob Portman"

Senator Shin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 1, line 5 to Senate Joint Memorial No. 8019.

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

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Memorial No. 8019.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8019 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

MOTION

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

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5232 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5232, by Senators Oke, Swecker and Jacobsen

Requiring a turkey tag to hunt for turkey.

The measure was read the second time.

MOTION

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Senator Oke moved that the following amendment by Senators Oke and Jacobsen be adopted.

On page 2, line 3, after "charge." insert "Fifty percent of the moneys received from primary turkey tags must be deposited in the state wildlife fund and must be appropriated solely for the purposes of turkey and upland game bird management and shall not supplant existing funds provided for these purposes."

Senator Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Jacobsen on page 2, line 3 to Senate Bill No. 5232.

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

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 38

Voting nay: Senators Benson, Carrell, Delvin, Morton, Mulliken, Pflug, Roach, Schoesler and Stevens - 9

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 2500,
HOUSE BILL NO. 2972,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 2233,
SECOND SUBSTITUTE HOUSE BILL NO. 2342,
SUBSTITUTE HOUSE BILL NO. 2376,
ENGROSSED HOUSE BILL NO. 2478,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,

SUBSTITUTE HOUSE BILL NO. 2573,
SUBSTITUTE HOUSE BILL NO. 2974,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 8, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED HOUSE BILL NO. 1383,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 9, 2006

MR. PRESIDENT:

The House has passed the following bill(s):
SUBSTITUTE HOUSE BILL NO. 1107,
FOURTH SUBSTITUTE HOUSE BILL NO. 1483,
HOUSE BILL NO. 1641,
SUBSTITUTE HOUSE BILL NO. 1650,
SECOND SUBSTITUTE HOUSE BILL NO. 2002,
SUBSTITUTE HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2382,
SUBSTITUTE HOUSE BILL NO. 2389,
SUBSTITUTE HOUSE BILL NO. 2404,
HOUSE BILL NO. 2408,
SUBSTITUTE HOUSE BILL NO. 2420,
HOUSE BILL NO. 2453,
SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2501,
SUBSTITUTE HOUSE BILL NO. 2571,

and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

MOTION

At 8:29 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, February 10, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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