

TWENTY-NINTH DAY, FEBRUARY 6, 2006

2006 REGULAR SESSION

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 6, 2006

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles.

The Sergeant at Arms Color Guard consisting of Pages Aparajitha Chalamalachetty and Katie McNeil, presented the Colors. Imam Benjamin Shabazz of the Al Islam Center 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 6888 by Senator Kastama

AN ACT Relating to shared parental responsibility; amending RCW 26.09.002, 26.09.004, and 26.09.187; adding a new section to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6889 by Senators Honeyford, Deccio, Schoesler and Pridemore

AN ACT Relating to taxation of punch boards and pull-tabs; and amending RCW 9.46.110.

Referred to Committee on Government Operations & Elections.

SB 6890 by Senators Morton and Kline

AN ACT Relating to social security number privacy; and adding a new section to chapter 50.13 RCW.

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

FIRST READING OF HOUSE BILLS

HB 1145 by Representatives Clibborn, Tom, Morrell, Springer, Curtis, Ormsby, Kagi, Eickmeyer, Kenney and Darneille

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

Referred to Committee on Government Operations & Elections.

HB 1184 by Representatives Flannigan, Hinkle, Takko and Shabro

AN ACT Relating to training for newly elected county officers; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1279 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase)

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Human Services & Corrections.

2SHB 1359 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Jarrett, Grant, Appleton, Kirby, Walsh, Kagi, Pettigrew, Lovick, Lantz, Campbell, Fromhold, Haigh, Priest, Kessler, Hinkle, Buck, Ormsby, Upthegrove, Dickerson, McIntire, Chase, McDermott and Holmquist)

AN ACT Relating to the interest rate on legal financial obligations; and amending RCW 10.82.090 and 4.56.110.

Referred to Committee on Judiciary.

2SHB 1384 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Haler, B. Sullivan, Morris, Crouse, P. Sullivan, Chase and Hudgins)

AN ACT Relating to construction and operation of renewable energy projects by joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Water, Energy & Environment.

SHB 2335 by House Committee on Health Care (originally sponsored by Representatives Appleton, Campbell, Cody, Moeller, Green, Clibborn, Lantz, Morrell, Chase, Murray, Darneille, Santos, Wallace, Dickerson, Kenney and Schual-Berke)

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHB 2569 by House Committee on Finance (originally sponsored by Representatives Morrell, Roach, Campbell, Williams, Kilmer, Clibborn, Conway, Blake, Eickmeyer, Flannigan, Wallace, Roberts, Upthegrove, McCoy, McDonald, Green, Dickerson, Lantz and Springer)

AN ACT Relating to the property tax deferral program; amending RCW 84.38.100; and creating new sections.

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Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Weinstein moved adoption of the following resolution:

SENATE RESOLUTION
8691

By Senator Weinstein

WHEREAS, In the Sudan, innocent civilians in the Darfur region have been and continue to be the victims of murder, rape, and displacement based on a campaign of genocide; and

WHEREAS, Former Secretary of State Colin Powell and the United States State Department provided information to the United States Senate Foreign Relations Committee that the government of the Sudan bore responsibility for supporting this campaign of violence in Darfur; and

WHEREAS, There is a growing concern in the international community and among investors about the Sudanese government's unwillingness to put a stop to the ongoing violence in Darfur; and

WHEREAS, The Washington State Investment Board is entrusted with managing investments for public pension and other trust funds and is committed to doing so with the utmost integrity, prudence, and skill; and

WHEREAS, The Washington State Investment Board's external money managers screen its portfolios to identify specific companies that may be doing business in the Sudan and, if possible, determine the nature of these business activities; and

WHEREAS, The Washington State Investment Board joins other national retirement organizations in writing and requesting that relevant federal agencies identify, monitor, and report companies that -- by virtue of doing business in the Sudan -- may be acting contrary to United States foreign policy and humanitarian objectives; and

WHEREAS, The Washington State Investment Board regularly monitors the United States Department of Treasury and the United States Securities and Exchange Commission's Office of Global Security Risk to see if any companies, who do business with terrorist-supporting nations, including the Sudan, are listed illegally; and

WHEREAS, Through these ongoing efforts, the Washington State Investment Board is doing everything within its power to ensure that the state's retirement assets are not knowingly invested in companies that support terrorist activities or activities that violate human rights;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and express its appreciation for the Washington State Investment Board's efforts to ensure that Washington's funds are not knowingly invested in companies that support terrorist activities and the violence and atrocities in Darfur; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Investment Board Executive Director Joseph A. Dear.

Senator Weinstein spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

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

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9362, John Lee, as Director of the Department of Veterans Affairs, be confirmed.

Senators Rockefeller, Oke and Rasmussen spoke in favor of the motion.

MOTION

On motion of Senator Schoesler, Senators Benton, Esser and Finkbeiner were excused.

MOTION

On motion of Senator Regala, Senators Kohl-Welles, Kline, Jacobsen and Poulsen were excused.

APPOINTMENT OF JOHN LEE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9362, John Lee as a Director of the Department of Veterans Affairs.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9362, John Lee as a Director of the Department of Veterans Affairs and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, 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 - 43

Excused: Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 6

Gubernatorial Appointment No. 9362, John Lee, having received the constitutional majority was declared confirmed as Director of the Department of Veterans Affairs.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller, moved that Gubernatorial Appointment No. 9328, Cindi Holmstrom, as Director of the Department of Revenue, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF CINDI HOLMSTROM

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment

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No. 9328, Cindi Holmstrom as a Director of the Department of Revenue.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9328, Cindi Holmstrom as a Director of the Department of Revenue and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, 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 - 43

Excused: Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 6

Gubernatorial Appointment No. 9328, Cindi Holmstrom, having received the constitutional majority was declared confirmed as Director of the Department of Revenue.

SECOND READING

SENATE BILL NO. 5913, by Senators Kastama, Kohl-Welles and Rasmussen

Regulating tattooing and body piercing.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5913 was substituted for Senate Bill No. 5913 and the substitute bill was placed on the second reading and 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. The legislature finds and declares that the practices of body piercing, tattooing, and other forms of body art involve an invasive procedure with the use of needles, single-use disposable sharps, reusable sharps, instruments, and jewelry. These practices may be dangerous when improper sterilization techniques are used, presenting a risk of infecting the client with bloodborne pathogens including, but not limited to, HIV, hepatitis B, and hepatitis C. It is in the interests of the public health, safety, and welfare to establish requirements in the commercial practice of these activities in this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter and RCW 5.40.050 unless the context clearly requires otherwise.

(1) "Body art" means the practice of physical cosmetic body adornment including the use of branding and scarification. "Body art" also includes the intentional production of scars upon the body. "Body art" does not include medical procedures performed by a licensed physician or medical practitioner.

(2) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. "Body piercing" also includes any scar tissue resulting from or relating to the piercing. "Body piercing" does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable United States food and drug administration requirements. "Body piercing" does not include any medical procedures performed by a licensed

physician or medical practitioner, nor does anything in this act authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(3) "Director" means the director of the department of licensing.

(4) "Tattoo artist" means a person who practices the business of tattooing for a fee.

(5) "Tattooing" means the introduction of an indelible mark, figure, or decorative design by inserting nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being for cosmetic or figurative purposes.

NEW SECTION. Sec. 3. (1) Any person who practices body art, body piercing, or tattooing shall comply with the rules adopted by the department of health under RCW 70.54.340.

(2) Any person who practices body art, body piercing, or tattooing shall comply with the rules adopted by the department of licensing, after consulting with the department of health, which rules shall include provisions relating to compliance with:

(a) Universal precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by the national environmental health association and the alliance of professional tattooists;

(b) Sterilization procedures using sterilization equipment approved by the United States food and drug administration for the purpose of sterilization, and adequate in size to accommodate necessary utensils and instruments; and

(c) Retention of case history information for each client.

(3) Any person engaging in the practice of body art, body piercing, or tattooing shall, within seventy-two hours of becoming aware of the occurrence of any infection or allergic reaction resulting from body art, body piercing, or tattooing performed by the person, provide a written report to the department of health and the department of licensing containing the following information:

(a) The name of the infected client;

(b) The name and address of the salon/shop where the body art, body piercing, or tattooing was performed;

(c) The name, and registration number if any, of the tattoo artist or person that performed the body art or body piercing;

(d) The date that the tattooing, body art, or body piercing was performed;

(e) The location of the infection;

(f) The name and address of the health care practitioner, if any, who was notified of the infection by either the client or the person making the report; and

(g) Any other information that the department of licensing, by rule, deems relevant to the situation.

(4) A violation of this section is a misdemeanor.

NEW SECTION. Sec. 4. No person, firm, or corporation may act or engage in the practice of body art, body piercing, or tattooing unless, prior to engaging in the business of body art, body piercing, or tattooing, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements.

(2) The director shall issue duplicate registrations upon payment of a duplicate registration fee to valid registration holders operating more than one office. The duplicate registration fee for each office shall be an amount equal to the original registration fee.

(3) No registration is assignable or transferable.

(4) If a person registered as engaging in the business of body art, body piercing, or tattooing sells his or her business, when the new owner becomes responsible for the business, the

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new owner must comply with this chapter, including the registration provisions.

NEW SECTION. Sec. 5. An application to register as engaging in the business of body art, body piercing, or tattooing shall be submitted in the form prescribed by rule by the director, and shall contain but not be limited to the following:

(1) The name, residence address, and telephone number of the person applying to register as engaging in the business of body art, body piercing, or tattooing;

(2) The business name, address, and telephone number where the applicant will engage in the practice of body art, body piercing, or tattooing;

(3) Proof that the person applying to register as engaging in the practice of body art, body piercing, or tattooing holds a valid business license or is employed by an entity that holds a valid business license in the jurisdiction where the person will engage in business; and

(4) A registration fee in an amount determined by rule.

NEW SECTION. Sec. 6. (1) Each person registered as engaging in the business of body art, body piercing, or tattooing shall renew his or her registration on or before the registrant's birthday of every year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering disciplinary action as a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under RCW 18.235.130, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of the director's intent to refuse to renew the registration. The registrant may request a hearing on the refusal as provided in RCW 18.235.050. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred.

NEW SECTION. Sec. 7. (1) In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action based on the following conduct, acts, or conditions if the applicant or registrant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter; or

(d) Has failed to display the registration as provided in this chapter.

(2) If the person registered as engaging in the business of body art, body piercing, or tattooing is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the person's registration, and the director may reinstate the registration at the director's discretion.

(3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 8. (1) A nonresident person registered as engaging in the business of body art, body piercing, or tattooing soliciting business or engaging in the

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business of body art, body piercing, or tattooing in the state of Washington, by mail, telephone, or otherwise, either directly or indirectly, is deemed, absent any other appointment, to have appointed the director to be the nonresident's true and lawful attorney upon whom may be served any legal process against that nonresident arising or growing out of a transaction involving the practice of body art, body piercing, or tattooing. That solicitation signifies the nonresident's agreement that process against the nonresident that is served as provided in this chapter is of the same legal force and validity as if served personally on the nonresident.

(2) Service of process upon a nonresident shall be made by leaving a copy of the process with the director. The fee for the service of process shall be determined by the director by rule. That service is sufficient service upon the nonresident if the plaintiff or plaintiff's attorney of record sends notice of the service and a copy of the process by certified mail before service or immediately after service to the defendant at the address given by the nonresident in a solicitation furnished by the nonresident, and the sender's post office receipt of sending and the plaintiff's or plaintiff's attorney's affidavit of compliance with this section are returned with the process in accordance with Washington superior court civil rules. Notwithstanding the foregoing requirements, however, once service has been made on the director as provided in this section, in the event of failure to comply with the requirement of notice to the nonresident, the court may order that notice be given that will be sufficient to apprise the nonresident.

NEW SECTION. Sec. 9. The director has the following powers and duties:

(1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;

(2) To establish and collect fees, to be deposited into the business and professions account under RCW 43.24.150;

(3) Upon receipt of a complaint, to inspect and audit the books and records of a person engaging in the business of body art, body piercing, or tattooing. The person engaging in the business of body art, body piercing, or tattooing shall immediately make available to the director those books and records as may be requested at the place of business of the person engaging in the business of body art, body piercing, or tattooing, or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the person engaging in the business of body art, body piercing, or tattooing during regular business hours;

(4) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

NEW SECTION. Sec. 10. The director, in the director's discretion, may:

(1) Annually, or more frequently, make public or private investigations within or without this state as the director deems necessary to determine whether a registration should be subject to disciplinary action, or whether a person has violated or is about to violate this chapter or a rule adopted or order issued under this chapter, or to aid in the enforcement of this chapter or in the prescribing of rules and forms of this chapter;

(2) Publish information concerning a violation of this chapter or a rule adopted or order issued under this chapter; and

(3) Investigate complaints concerning practices by persons engaging in the business of body art, body piercing, or tattooing for which registration is required by this chapter.

NEW SECTION. Sec. 11. The director or individuals acting on the director's behalf are immune from suit in any action, civil or criminal, based on acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 12. (1) A civil penalty may be imposed by the court for each violation of this chapter in an amount not less than five hundred dollars nor more than two thousand dollars per violation.

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(2) If a person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the state, the director may recover the amount assessed by action in the appropriate superior court. In the action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

NEW SECTION. Sec. 13. In order to maintain or defend a lawsuit, a person engaging in the business of body art, body piercing, or tattooing must be registered with the department as required by this chapter and rules adopted under this chapter.

NEW SECTION. Sec. 14. (1) Each person who knowingly violates this chapter or who knowingly gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) A person who violates this chapter or who gives false or incorrect information to the director, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not the statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 15. In addition to any other penalties or remedies under chapter 19.86 RCW, a person who is injured by a violation of this chapter may bring an action for recovery of actual damages, including court costs and attorneys' fees. No provision in this chapter shall be construed to limit any right or remedy provided under chapter 19.86 RCW.

NEW SECTION. Sec. 16. The legislature finds that the practices governed by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

NEW SECTION. Sec. 17. All information, documents, and reports filed with the director under this chapter are matters of public record and shall be open to public inspection, subject to reasonable regulation. The director may make public, on a periodic or other basis, the information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with the director or any other matters to the administration and enforcement of this chapter.

NEW SECTION. Sec. 18. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act takes effect July 1, 2007.

NEW SECTION. Sec. 21. The director of licensing, beginning July 1, 2006, may take such steps as are necessary to ensure that this act is implemented on its effective date.

Sec. 22. RCW 70.54.340 and 2001 c 194 s 3 are each amended to read as follows:

The secretary of health shall adopt by rule requirements, in accordance with nationally recognized professional standards, for precautions against the spread of disease, including the sterilization of needles and other instruments, including single-use disposable sharps, reusable sharps, and jewelry, employed by electrologists, persons engaged in the practice of body piercing, and tattoo artists ((in accordance with nationally recognized professional standards)). The secretary shall consider the universal precautions for infection control, as recommended by the United States centers for disease control, and guidelines

for infection control, as recommended by the national environmental health association and the alliance of professional tattooists, in the adoption of these sterilization requirements.

Sec. 23. RCW 5.40.050 and 2001 c 194 s 5 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to: (1) Electrical fire safety, (2) the use of smoke alarms, (3) sterilization of needles and instruments used by persons engaged in the practice of body art, body piercing, tattooing, or electrology, or other precaution against the spread of disease, as required under RCW 70.54.350 or section 3 of this act, or (4) driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

Sec. 24. RCW 43.24.150 and 2005 c 25 s 1 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.96 RCW, landscape architects;
- (d) Chapter 18.145 RCW, court reporters;
- (e) Chapter 18.165 RCW, private investigators;
- (f) Chapter 18.170 RCW, security guards;
- (g) Chapter 18.185 RCW, bail bond agents;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter 42.44 RCW, notaries public; ~~((and))~~
- (m) Chapter 64.36 RCW, timeshares; and
- (n) Sections 1 through 21 of this act.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(2) The director shall biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which shall include the estimated income from these business and professions fees.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act constitute a new chapter in Title 18 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Substitute Senate Bill No. 5913.

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 "businesses;" strike the remainder of the title and insert "amending RCW 70.54.340, 5.40.050, and 43.24.150; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date."

MOTION

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On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, 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 - 43

Excused: Senators Benton, Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken).

Prohibiting vaccinating pregnant women and children with mercury-containing vaccines.

The bill was read on Third Reading.

Senators Rasmussen and Deccio spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305 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, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, 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 - 44

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, 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 Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5551 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5551, by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Hargrove, Hewitt, Schoesler, Mulliken, Parlette and Oke)

Studying the minimum wage.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Eide be adopted.

On page 2, line 35, after "December 1," strike "2005" and insert "2006"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Parlette spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Eide on page 2, line 35 to Substitute Senate Bill No. 5551.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Honeyford spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland,

TWENTY-NINTH DAY, FEBRUARY 6, 2006

2006 REGULAR SESSION

Brown, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Voting nay: Senator Thibaudeau - 1

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551, 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.

THIRD READING

SENATE BILL NO. 5106, by Senators Swecker, Jacobsen, Kastama and Oke.

Clarifying authority over hazardous materials inspections.

The bill was read on Third Reading.

Senator Swecker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 2; Excused, 5.

Voting yea: Senators Benson, Berkey, Brandland, Carrell, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Hewitt, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Honeyford, Mulliken, Roach and Stevens - 5

Absent: Senators Brown and Hargrove - 2

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

SENATE BILL NO. 5106, 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.

THIRD READING

SENATE BILL NO. 5636, by Senators Keiser, Benson, Franklin, Parlette, Kline, Thibaudeau and Kastama.

Revising provision for imposition of sanctions on health professionals.

The bill was read on Third Reading.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5636.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5636 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, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, 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 - 44

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

SENATE BILL NO. 5636, 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. 6359, by Senators Kohl-Welles, Parlette and Kline

Ensuring employers do not evade their contribution rate.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6359 was substituted for Senate Bill No. 6359 and the substitute bill was placed on the second reading and read the second time.

Senators Keiser and Parlette spoke in favor of the substitute bill.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6359.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6359 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, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, 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 - 44

Excused: Senators Esser, Finkbeiner, Jacobsen, Kline and Kohl-Welles - 5

SUBSTITUTE SENATE BILL NO. 6359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:10 a.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 7, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1145		9328 Cindi Holmstrom	
	Introduction & 1st Reading	Confirmed	2
1184		9362 John Lee	
	Introduction & 1st Reading	Confirmed	2
1279-S			
	Introduction & 1st Reading		
1359-S2			
	Introduction & 1st Reading		
1384-S2			
	Introduction & 1st Reading		
2335-S			
	Introduction & 1st Reading		
2569-S			
	Introduction & 1st Reading		
5106			
	Third Reading		7
	Third Reading Final Passage		7
5305-S			
	Third Reading		6
	Third Reading Final Passage		6
5551-S			
	Other Action		6
	Second Reading		6
	Second Reading Amendment		6
	Third Reading Final Passage		6
5636			
	Third Reading		7
	Third Reading Final Passage		7
5913			
	Second Reading		3
5913-S			
	Other Action		5
	Second Reading		3
	Second Reading Amendment		3
	Third Reading Final Passage		6
6359			
	Second Reading		7
6359-S			
	Second Reading		7
	Third Reading Final Passage		7
6888			
	Introduction & 1st Reading		1
6889			
	Introduction & 1st Reading		1
6890			
	Introduction & 1st Reading		1
8691			
	Adopted		2
	Introduced		2