

THIRTY-SIXTH DAY, FEBRUARY 13, 2006

2006 REGULAR SESSION

THIRTY-SIXTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, February 13, 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 Deccio and Oke.

The Sergeant at Arms Color Guard consisting of Pages Keith Sorger and Torie Zeigler, presented the Colors. Reverend Dr. John Maxwell of the First United Methodist 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 OF HOUSE BILLS

SHB 1504 by House Committee on Transportation (originally sponsored by Representatives Simpson, Woods and Lovick)

AN ACT Relating to abandoned vehicle auctions; and amending RCW 46.55.130.

Referred to Committee on Transportation.

SHB 1523 by House Committee on Finance (originally sponsored by Representatives Quall, Morris, Pettigrew, Kilmer, Talcott, Pearson, Linville and Kristiansen)

AN ACT Relating to extending a sales and use tax exemption to the construction of facilities to be used for the conditioning of vegetable seeds; amending RCW 82.60.020; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

3SHB 1815 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Wallace, Skinner, Pettigrew, Rodne, Kilmer, Ahern, Blake, McCoy, Anderson, Walsh, Lovick, Hudgins, Appleton, Strow, Murray, B. Sullivan, Simpson, Kessler, Williams, O'Brien, Conway, Morris, Linville, Lantz and Moeller)

AN ACT Relating to a small business incubator competitive grant program; amending RCW 43.176.020; and adding a new section to chapter 43.176 RCW.

Referred to Committee on International Trade & Economic Development.

SHB 1827 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Condotta, McCoy, Crouse and Conway)

AN ACT Relating to financing practices of motor vehicle dealers; amending RCW 46.70.180; and creating a new section.

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

HB 2348 by Representatives Morris, Ericksen, Condotta, Linville, Conway, Sump, Haler, Orcutt, Wallace, Ericks, B. Sullivan, O'Brien, Dunn and Holmquist

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

ESHB 2352 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan)

AN ACT Relating to net metering; and amending RCW 80.60.010, 80.60.020, 80.60.030, and 80.60.040.

Referred to Committee on Water, Energy & Environment.

E2SHB 2353 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Shabro, Kessler, Priest, Cox, Conway, Haler, P. Sullivan, Appleton, Walsh, Kenney, Green, Armstrong, Hasegawa, Kagi, Hunt, McCoy, Buri, Fromhold, Strow, Curtis, McDermott, Williams, Hudgins, Moeller, Sells, Lantz, Kilmer, Chase, McDonald, Morrell, Murray, Linville, Santos, Springer, Wallace, Dickerson, Roberts, Cody, B. Sullivan, Simpson, Ericks, Uptegrove, Campbell, Ormsby and O'Brien)

AN ACT Relating to improving access to and the stability of quality child care through providing collective bargaining and other representation rights for family child care providers and licensees; amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.15.030; reenacting and amending RCW 74.15.020; adding a new section to chapter 41.56 RCW; adding a new section to chapter 74.15 RCW; creating new sections; and declaring an emergency.

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

SHB 2384 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Dickerson, Buck, Blake and B. Sullivan)

AN ACT Relating to geological survey; amending RCW 43.92.010, 43.92.020, 43.92.040, 43.92.060, 43.92.070, and 43.92.080; and adding new sections to chapter 43.92 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2386 by Representatives B. Sullivan and Chase

AN ACT Relating to commercial geoduck harvesting; and amending RCW 77.60.070.

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Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2401 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

AN ACT Relating to developing regional compacts for siting transmission lines; adding a new section to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

HB 2454 by Representatives Williams, Lantz, Darneille, Morrell, O'Brien and Green

AN ACT Relating to the privilege for sexual assault advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SHB 2493 by House Committee on Transportation (originally sponsored by Representatives Kilmer, Lantz and Ericks)

AN ACT Relating to limiting access to law enforcement and emergency equipment and vehicles; amending RCW 46.37.195; and creating a new section.

Referred to Committee on Transportation.

SHB 2495 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Kilmer, Holmquist, Green, Miloscia, Buri, Nixon, Rodne, Hudgins, P. Sullivan, Springer, Haler, Morrell, Morris, Ericks, B. Sullivan, Simpson and Upthegrove)

AN ACT Relating to establishing a state government efficiency hotline; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Government Operations & Elections.

2SHB 2498 by House Committee on Appropriations (originally sponsored by Representatives Kilmer, Buri, Morrell, Skinner, Green, Linville, McCoy, Moeller, Chase, Rodne, Conway, Haler, Morris, Ericks and Sells)

AN ACT Relating to cluster-based economic development; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SHB 2537 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, McCoy, Hudgins and B. Sullivan)

AN ACT Relating to establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits; and amending RCW 51.28.015.

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

SHB 2538 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins and McCoy)

AN ACT Relating to authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW; amending RCW 49.17.070; adding a new section to chapter 49.17 RCW; and creating a new section.

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

ESHB 2565 by House Committee on Commerce & Labor (originally sponsored by Representatives Kilmer, Haler, Wallace, Strow, Clibborn, Morrell, McCoy, Appleton, Ericks, Linville, Simpson, Green and Springer)

AN ACT Relating to a worker training business and occupation tax credit; amending RCW 82.04.4333 and 82.32.590; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

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

SHB 2591 by House Committee on Transportation (originally sponsored by Representatives B. Sullivan, Blake, Roberts and Lovick)

AN ACT Relating to special fuel taxes; and amending RCW 82.38.080.

Referred to Committee on Transportation.

SHB 2596 by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby)

AN ACT Relating to the cosmetology apprenticeship program; amending RCW 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.100, 18.16.180, and 18.16.280; and reenacting and amending RCW 18.16.175.

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

SHB 2608 by House Committee on Appropriations (originally sponsored by Representatives Curtis, Takko, Bailey, Grant, Orcutt, Hinkle, McDonald, Clements, Moeller, Chandler, Wallace, O'Brien, Haler, Haigh, Alexander and Morrell)

AN ACT Relating to the volunteer fire fighters' and reserve officers' relief and pension act; and amending RCW 41.24.010.

Referred to Committee on Ways & Means.

SHB 2640 by House Committee on Finance (originally sponsored by Representatives B. Sullivan, McCoy, O'Brien, Haler, Sells, Morris, Ericks, Strow and Dunn)

AN ACT Relating to biotechnology product and medical device manufacturing tax incentives; amending RCW 82.32.600; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and providing an expiration date.

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Referred to Committee on International Trade & Economic Development.

HB 2644 by Representatives P. Sullivan, Crouse and Kilmer

AN ACT Relating to temporarily increasing the statewide cap for the public utility tax credit provided by RCW 82.16.0497; amending RCW 82.16.0497; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

2SHB 2645 by House Committee on Finance (originally sponsored by Representatives Kilmer, Crouse, P. Sullivan, Morris and Dunn)

AN ACT Relating to a public utility tax credit for gas distribution businesses that invest in energy efficiency measures for certain food processing and other businesses; adding a new section to chapter 82.16 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

SHB 2646 by House Committee on Finance (originally sponsored by Representatives Wallace, Hinkle, Haigh and Holmquist)

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

HB 2671 by Representatives Ericks, Kessler, Simpson, Clibborn, Morrell, Springer, Dunn and Wallace

AN ACT Relating to providing excise tax relief by modifying due dates and eliminating an assessment penalty; amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.090; creating new sections; and providing effective dates.

Referred to Committee on Ways & Means.

HB 2681 by Representatives Conway, Fromhold, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell

AN ACT Relating to minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system; reenacting and amending RCW 41.45.020; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2682 by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson, Roberts, Ormsby and McCune

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2684 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Bailey, Conway, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell)

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

HB 2687 by Representatives Bailey, Conway, Fromhold, Lovick, Hunt, Nixon, Kenney, Quall, Simpson, Ormsby, Moeller, Morrell, Uptegrove and Hinkle

AN ACT Relating to a one thousand dollar minimum monthly benefit for plan 1 members of the public employees' retirement system and plan 1 members of the teachers' retirement system; amending RCW 41.32.4851 and 41.40.1984; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2688 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks)

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system plan 1; amending RCW 41.26.100 and 41.26.080; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2689 by House Committee on Appropriations (originally sponsored by Representatives Bailey, Conway, Fromhold, Lovick, Quall, Simpson and Ormsby)

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2690 by Representatives Crouse, Conway, Lovick, Hunt, Green, Sells, Quall, Simpson, Moeller and Morrell

AN ACT Relating to permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 41.40.713,

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41.40.833, 41.32.767, 41.32.877, 41.35.473, and 41.35.653;
and providing an effective date.

AN ACT Relating to design-build construction for
transportation projects; and amending RCW 47.20.785.

Referred to Committee on Ways & Means.

Referred to Committee on Transportation.

SHB 2691 by House Committee on Appropriations
(originally sponsored by Representatives Crouse, Fromhold,
Conway, Lovick, Bailey, Kenney and Quall)

SHB 2917 by House Committee on Local Government
(originally sponsored by Representatives P. Sullivan,
Kristiansen, Simpson, Linville, Blake and Ericks)

AN ACT Relating to public retirement benefits for justices
and judges; adding a new section to chapter 2.14 RCW;
adding new sections to chapter 41.40 RCW; adding new
sections to chapter 41.32 RCW; adding new sections to
chapter 41.45 RCW; and providing an effective date.

AN ACT Relating to accessory uses on agricultural lands;
and amending RCW 36.70A.177.

Referred to Committee on Agriculture & Rural Economic
Development.

Referred to Committee on Ways & Means.

HB 2932 by Representatives Darneille, Curtis, Simpson,
Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald,
Kilmer and Green

HB 2720 by Representatives Simpson, Schindler, Takko,
P. Sullivan, B. Sullivan and Woods

AN ACT Relating to water-sewer districts; amending RCW
36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding
new sections to chapter 57.24 RCW; and adding a new
section to chapter 35.21 RCW.

AN ACT Relating to receiving a catastrophic disability
allowance under the law enforcement officers' and fire
fighters' retirement system, plan 2; amending RCW
41.26.470 and 77.12.264; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Government Operations &
Elections.

SHB 2933 by House Committee on Appropriations
(originally sponsored by Representatives P. Sullivan, Curtis,
Simpson, Conway, Hinkle, Kenney, Williams, Ericks, Sells,
Rodne, McDonald, Kilmer and Green)

SHB 2723 by House Committee on Economic
Development, Agriculture & Trade (originally sponsored by
Representatives Tom, Lantz, Priest, Clibborn, Shabro, Hunter
and Green)

AN ACT Relating to a seller's real estate disclosure of
proximity to farming; and amending RCW 64.06.022.

AN ACT Relating to death benefit payments for law
enforcement officers' and fire fighters' retirement system,
plan 2; and amending RCW 41.26.048.

Referred to Committee on Ways & Means.

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

SHB 2934 by House Committee on Appropriations
(originally sponsored by Representatives Simpson, Priest,
Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald,
Kilmer and Green)

SHB 2726 by House Committee on Appropriations
(originally sponsored by Representatives Chase, Skinner,
Kessler, Haler, Kilmer, Grant, Chandler, Blake, Clements,
Linville, Newhouse, McCoy, Kristiansen, Kenney and Wallace)

AN ACT Relating to assisting small manufacturers; and
adding a new chapter to Title 24 RCW.

AN ACT Relating to the retirement allowance of a member
who is killed in the course of employment; amending RCW
41.26.510; amending 2001 c 165 s 6 (uncodified); and
creating a new section.

Referred to Committee on Ways & Means.

Referred to Committee on International Trade & Economic
Development.

HB 2981 by Representatives Fromhold, Clements and
Murray

ESHB 2738 by House Committee on Technology, Energy
& Communications (originally sponsored by Representatives
Holmquist, Dunshee, Dunn, Chase, Grant, Rodne, Haler,
Kessler, Kilmer, Green, Sells, Kenney, McCoy, Simpson,
Roberts, Ormsby, Moeller, Morrell, Linville, Hudgins, McCune
and Hinkle)

AN ACT Relating to developing minimum renewable fuel
content requirements and fuel quality standards; amending
RCW 19.112.020; adding new sections to chapter 19.112
RCW; and creating a new section.

AN ACT Relating to commercial vehicles; and amending
RCW 46.25.010, 46.32.005, 46.37.395, and 46.44.105.

Referred to Committee on Transportation.

Referred to Committee on Water, Energy & Environment.

HB 3001 by Representatives Hudgins and Conway

AN ACT Relating to regulation of limousines; amending
RCW 46.04.274; and providing an effective date.

Referred to Committee on Transportation.

HB 2874 by Representatives Murray, Ericksen, Jarrett,
Wallace and Woods

SHB 3033 by House Committee on Economic
Development, Agriculture & Trade (originally sponsored by
Representatives Pettigrew, Kristiansen, Grant, Kretz, Holmquist,

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Cox, B. Sullivan, Clements, Campbell, Haigh, Newhouse and Linville)

AN ACT Relating to animal identification; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 3059 by House Committee on Finance (originally sponsored by Representatives Grant, Condotta, Cody and Kessler)

AN ACT Relating to clarifying the application of taxes to the financial activities of professional employer organizations; amending RCW 82.08.010, 82.12.010, 82.80.050, and 35.102.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.102 RCW; adding a new section to chapter 82.02 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 3085 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake, Kretz, B. Sullivan, Orcutt, Haler and Ericks)

AN ACT Relating to technical corrections to public lands statutes; amending RCW 79.15.050 and 79.15.080; and repealing 2003 c 381 ss 1, 2, and 3.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 3093 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Curtis, Simpson, Dameille, Schual-Berke, Dickerson and Dunn)

AN ACT Relating to allowing physician assistants to determine disability for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 3111 by Representative Appleton

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073.

Referred to Committee on Transportation.

HB 3114 by Representatives Murray and Dunn

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Environment.

SHB 3128 by House Committee on Commerce & Labor (originally sponsored by Representatives Kenney, Hankins, Conway, Chandler, Wood, Condotta, Newhouse and Springer)

AN ACT Relating to the relationship between liquor manufacturers, importers, or distributors and nonprofit

organizations holding a liquor license; and reenacting and amending RCW 66.28.010.

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

SHB 3150 by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta, Linville, Kenney, Chase, Kessler, Conway, Holmquist, Morrell, Newhouse and Armstrong)

AN ACT Relating to efforts to promote the wine industry; and reenacting and amending RCW 66.28.010.

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

HB 3154 by Representatives Condotta, Wood and Newhouse

AN ACT Relating to ensuring that brewers may sell beer of their own production from their restaurant premises; amending RCW 66.24.240; and reenacting and amending RCW 66.24.244.

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

EHB 3159 by Representatives Linville, Newhouse, Grant, Kessler, Orcutt, Chandler, Dunn and Kristiansen

AN ACT Relating to the excise taxation of food products; amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 3164 by House Committee on Finance (originally sponsored by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Appleton, Green, Morrell, Sells and Simpson)

AN ACT Relating to an increase in the personal property tax exemption for the head of a family; amending RCW 84.36.110; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SHB 3185 by House Committee on Commerce & Labor (originally sponsored by Representative McCoy)

AN ACT Relating to violations of wage payment requirements; adding new sections to chapter 49.48 RCW; creating a new section; and prescribing penalties.

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

SHB 3190 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Wallace, Fromhold, Curtis, Orcutt, Moeller and Dunn)

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AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.440, 82.32.590, and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 3222 by House Committee on Finance (originally sponsored by Representatives Pettigrew, Haler, Chandler, Kretz, Hinkle, Kristiansen, Holmquist and Linville)

AN ACT Relating to excise tax exemptions for the handling and processing of livestock manure; amending RCW 82.08.890, 82.12.890, 82.08.900, and 82.12.900; amending 2001 2nd sp.s. c 18 s 1 (uncodified); creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

HB 3258 by Representatives Morris, Simpson, Wallace and Chase

AN ACT Relating to mileage fees for diesel; and amending RCW 46.16.125.

Referred to Committee on Transportation.

EHB 3261 by Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams

AN ACT Relating to strengthening the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712; amending RCW 9.95.003 and 9.95.420; and declaring an emergency.

Referred to Committee on Judiciary.

HJR 4223 by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Morrell, Appleton, Green, Sells and Simpson

Amending the state Constitution to increase the personal property tax exemption for the head of a family.

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

At 9:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:38 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 6169, by Senators Kohl-Welles, Fairley, Prentice, Schmidt, Keiser, Benson, Kline, Franklin, Pridemore, Poulsen and Esser

Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Fairley and Benton be adopted.

On page 2, after line 14, insert the following:

"(2) Upon the board's receipt of a written request by a member of the association that the board exercise its amending authority granted under subsection (1) of this section, the board must, within a reasonable time, amend the governing documents, as provided under this section."

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

On page 3, after line 16, insert the following:

"(7) Except as otherwise provided in subsection (2) of this section, (a) nothing in this section creates a duty on the part of owners, occupants, tenants, associations, or boards to amend the governing documents as provided in this section, or to bring an action as authorized under this section and RCW 49.60.227; and (b) an owner, occupant, tenant, association, or board is not liable for failing to amend the governing documents or to pursue an action in court as authorized under this section and RCW 49.60.227."

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, Fairley and Benton on page 2, line 14 to Senate Bill No. 6169.

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. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Schoesler, Senators Deccio and Oke were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6169.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused,

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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, McCaslin, Morton, Mulliken, 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 Oke - 2

ENGROSSED SENATE BILL NO. 6169, 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. 6493, by Senators Kline, Weinstein, Brandland, Hargrove, Oke and Rasmussen

Revising the jurisdiction of drug courts.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Benson and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 34

Voting nay: Senators Benson, Benton, Carrell, Delvin, Honeyford, McCaslin, Mulliken, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 13

Excused: Senators Deccio and Oke - 2

SENATE BILL NO. 6493, 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 TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 14, 2006."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through February 14, 2006.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Hewitt demanded a division.

On motion of Senator Hewitt, the demand by Senator Hewitt was withdrawn.

SECOND READING

SENATE BILL NO. 6197, by Senators Franklin, Regala, Eide, Prentice, Fraser, Brown, Kline, Kohl-Welles and Shin

Creating the governor's interagency council on health disparities. Revised for 2nd Substitute: Creating the governor's interagency coordinating council on health disparities.

MOTIONS

On motion of Senator Franklin, Second Substitute Senate Bill No. 6197 was substituted for Senate Bill No. 6197 and the second substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

On motion of Senator Franklin, the rules were suspended, Second Substitute Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin 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. 6197.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6197 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

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, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benson, Mulliken, Pflug and Schoesler - 4

Excused: Senators Deccio and Oke - 2

SECOND SUBSTITUTE SENATE BILL NO. 6197, 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. 6168, by Senators Fairley, Benton, Keiser, Benson, Prentice, Franklin, Brandland, Berkey and Schmidt

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Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6168 was substituted for Senate Bill No. 6168 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6168 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, McCaslin, Morton, Mulliken, 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 Oke - 2

SUBSTITUTE SENATE BILL NO. 6168, 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. 6630, by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles

Protecting communities from individuals with behaviors that pose a threat of violence or sexual violence. Revised for 2nd Substitute: Establishing the community protection program for persons with developmental disabilities.

MOTION

On motion of Senator Kline, Second Substitute Senate Bill No. 6630 was substituted for Senate Bill No. 6630 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of social and health services is providing a structured, therapeutic environment for persons who are eligible for placement in the community protection program in order for them to live safely and successfully in the community while minimizing the risk to public safety.

The legislature approves of steps already taken by the department to create a community protection program within the division of developmental disabilities.

NEW SECTION. Sec. 2. Sections 3 through 9 of this act apply to a person:

(1)(a) Who: (i)(A) Has been charged with or convicted of a crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW, including, but not limited to, rape, rape of a child, and child molestation; or (B) has been charged with or convicted of one or more violent offenses, as defined by RCW 9.94A.030; and (ii) constitutes a current risk to others as determined by a qualified professional. Charges or crimes that resulted in acquittal must be excluded, except where admission to the community protection program is initiated by the individual; or

(b) Who has not been charged with and/or convicted of a crime, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior, which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors, and constitutes a current risk to others as determined by a qualified professional; and

(2) Who has been determined to have a developmental disability as defined by RCW 71A.10.020(3).

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the written opinion of a qualified professional stating, at a minimum:

(a) Whether a person meets the criteria established in section 2 of this act;

(b) What restrictions are necessary.

(2) "Certified community protection program intensive supported living services" means access to twenty-four-hour supervision, instruction, and support services as identified in the person's plan of care.

(3) "Community protection program" means services specifically designed to support persons who meet the criteria of section 2 of this act.

(4) "Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional.

(5) "Department" means the department of social and health services.

(6) "Developmental disability" means that condition defined in RCW 71A.10.020(3).

(7) "Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

(8) "Division" means the division of developmental disabilities.

(9) "Managed successfully" means that a person supported by a community protection program does not engage in the behavior identified in section 2 of this act.

(10) "Opportunistic behavior" means an act committed on impulse, which is not premeditated.

(11) "Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

(12) "Qualified professional" means a person with at least three years' prior experience working with individuals with developmental disabilities, and: (a) If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a qualified professional who is a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or (b) If the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years' prior experience treating violent or aggressive behavior.

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(13) "Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

(14) "Violent offense" means any felony defined as a violent offense in RCW 9.94A.030.

NEW SECTION. Sec. 4. (1) Prior to receiving services through the community protection program, a person must first receive an assessment of risk and/or dangerousness by a qualified professional. The assessment must be consistent with the guidelines for risk assessments and psychosexual evaluations developed by the department. The person requesting services and the person's legal representative have the right to choose the qualified professional who will perform the assessment from a list of state contracted qualified professionals. The assessment must contain, at a minimum, a determination by the qualified professional whether the person can be managed successfully in the community with reasonably available safeguards and that lesser restrictive residential placement alternatives have been considered and would not be reasonable for the person seeking services. The department may request an additional evaluation by a qualified professional evaluator who is contracted with the state.

(2) Any person being considered for placement in the community protection program and his or her legal representative must be informed in writing of the following: (a) Limitations regarding the services that will be available due to the person's community protection issues; (b) disclosure requirements as a condition of receiving services other than case management; (c) the requirement to engage in therapeutic treatment may be a condition of receiving certain services; (d) anticipated restrictions that may be provided including, but not limited to intensive supervision, limited access to television viewing, reading material, videos; (e) the right to accept or decline services; (f) the anticipated consequences of declining services such as the loss of existing services and removal from waiver services; (g) the right to an administrative fair hearing in accordance with department and division policy; (h) the requirement to sign a preplacement agreement as a condition of receiving community protection intensive supported living services; (i) the right to retain current services during the pendency of any challenge to the department's decision; (j) the right to refuse to participate in the program.

(3)(a) If the department determines that a person is appropriate for placement in the community protection program, the individual and his or her legal representative shall receive in writing a determination by the department that the person meets the criteria for placement within the community protection program.

(b) If the department determines that a person cannot be managed successfully in the community protection program with reasonably available safeguards, the department must notify the person and his or her legal representative in writing.

NEW SECTION. Sec. 5. (1) Individuals receiving services through the department's community protection waiver retain all appeal rights provided for in RCW 71A.10.050. In addition, such individuals have a right to an administrative hearing pursuant to chapter 34.05 RCW to appeal the following decisions by the department:

- (a) Termination of community protection waiver eligibility;
- (b) Assignment of the applicant to the community protection waiver;
- (c) Denial of a request for less restrictive community residential placement.

(2) Final administrative decisions may be appealed pursuant to the provisions of RCW 34.05.510.

(3) The secretary shall adopt rules concerning the procedure applicable to requests for hearings under this section and governing the conduct thereof.

(4) When the department takes any action described in subsection (1) of this section it shall give notice as provided by

RCW 71A.10.060. The notice must include a statement advising the person enrolled on the community protection waiver of the right to an adjudicative proceeding and the time limits for filing an application for an adjudicative proceeding. Notice must also include a statement advising the recipient of the right to file a petition for judicial review of a final administrative decision as provided in chapter 34.05 RCW.

(5) Nothing in this section creates an entitlement to placement on the community protection waiver nor does it create a right to an administrative hearing on department decisions denying placement on the community protection waiver.

NEW SECTION. Sec. 6. (1) Community protection program participants shall have appropriate opportunities to receive services in the least restrictive manner and in the least restrictive environments possible. When considering requests or recommendations for lessening program restrictions, reducing supervision, or terminating services, careful consideration to the safety and welfare of both the individual and the community must be given.

(2) There must be a review by the treatment team every ninety days to assess each participant's progress, evaluate use of less restrictive measures, and make changes in the participant's program as necessary. The team must review all restrictions and recommend reductions if appropriate. The therapist must write a report annually evaluating the participant's risk of offense and/or risk of behaviors that are dangerous to self or others. The department shall have rules in place describing this process. If a treatment team member has reason to be concerned that circumstances have changed significantly, the team member may request that a complete reassessment be conducted at any time.

NEW SECTION. Sec. 7. A participant who demonstrates success in complying with reduced restrictions and remains free of offenses that may indicate a relapse for at least twelve months, may be considered for placement in a less restrictive community residential setting. The participant must show, at a minimum that he or she is complying with reduced restrictions and remains free of offense that would indicate relapse for at least twelve months.

The process to move a participant to a less restrictive residential placement shall include:

(1) Written verification of the person's treatment progress, assessment of low risk of reoffense, and a recommendation as to suitable placement by the treatment team;

(2) Development of a gradual phase out plan by the treatment team, projected over a reasonable period of time and includes specific criteria for evaluating reductions in restrictions, especially supervision;

(3) The absence of any incidents that may indicate relapse for a minimum of twelve months;

(4) A written plan that details what supports and services, including the level of supervision the person will receive from the division upon exiting the community protection program;

(5) An assessment consistent with the guidelines for risk assessments and psychosexual evaluations developed by the division, conducted by a qualified professional, evaluating the participant's risk of reoffense and/or dangerousness, including an opinion as to whether or not the person can be managed successfully in a less restrictive community residential setting;

(6) Recommendation by the treatment team that the participant is ready to move to a less restrictive community residential placement.

NEW SECTION. Sec. 8. (1) The department is authorized to take one or more of the enforcement actions listed in subsection (2) of this section when the department finds that a provider of residential services and support with whom the department entered into an agreement with under this chapter has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under it;

(b) Failed or refused to cooperate with the certification process;

(c) Prevented or interfered with a certification, inspection, or investigation by the department;

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(d) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW;

(e) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department or in any matter under investigation by the department.

(2) The department may:

(a) Decertify or refuse to renew the certification of a provider;

(b) Impose conditions on the provider's certification;

(c) Suspend department referrals to the provider;

(d) Impose civil penalties of not more than three hundred dollars per day per violation. Each day during which the same or similar action or inaction occurs constitutes a separate violation; or

(e) Require a provider to implement a plan of correction developed by the department, and to cooperate with subsequent monitoring of the provider's progress.

(3) When determining the appropriate enforcement action or actions to take under subsection (2) of this section, the department must select actions commensurate with the seriousness of the harm or threat of harm, to the persons being served by the provider. Further, the department may take enforcement actions that are more severe for violations that are uncorrected, repeated, pervasive, or present a serious threat of harm to the health, safety, or welfare of persons served by the provider.

(4) The provisions of chapter 34.05 RCW apply to enforcement actions under this section. Except for the imposition of civil penalties, the effective date of enforcement actions shall not be delayed or suspended pending any hearing or informal review.

(5) The enforcement actions authorized in this section are not exclusive and nothing in this section prohibits the department from taking any other action authorized in statute or rule or under the terms of a contract with the provider.

NEW SECTION. Sec. 9. The department shall develop and maintain rules, guidelines, or policy manuals, as appropriate, for implementing and maintaining the community protection program under this chapter.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act are each added to chapter 71A.12 RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Kline 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 Kline to Second Substitute Senate Bill No. 6630.

The motion by Senator Kline 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 "disabilities;" strike the remainder of the title and insert "adding new sections to chapter 71A.12 RCW; creating a new section; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Parlette spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Parlette: "Would the Senator from the thirty-seventh district yield to a question? Senator, does the amendment that you just added change the underlying program at all?"

Senator Kline: "No. It adds, essentially, the one function that I described. Fines are allowed now. DSHS, in addition to its other quasi disciplinary actions, pulling a contract, for example, or non renewing a contract. Now, may take an intermediate level of disciplinary action, that is, impose a fine of up to three-hundred dollars against a provider that for anyway violates the contract. That way, if there is nothing really significant that requires pulling the contract, that can be a lower level of disciplinary action."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6630.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6630 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benson, 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, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Excused: Senators Deccio and Oke - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630, 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. 6365, by Senators Rasmussen, Schoesler, Jacobsen, Fraser and Shin

Changing the registration fees for weighing and measuring devices. Revised for 1st Substitute: Changing fees in the weights and measures program.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6365 was substituted for Senate Bill No. 6365 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler 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. 6365.

ROLL CALL

The Secretary called the roll on the final passage of

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Substitute Senate Bill No. 6365 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

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

Voting nay: Senators Benton, Carrell, Esser, McCaslin, Morton, Roach, Sheldon, Stevens and Zarelli - 9

Excused: Senators Deccio and Oke - 2

SUBSTITUTE SENATE BILL NO. 6365, 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. 6223, by Senators Rockefeller, Regala, Oke, Berkey and Spanel

Modifying provisions regarding abandoned or derelict vessels.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 6223 was substituted for Senate Bill No. 6223 and the substitute bill was placed on the second reading and read the second time.

Senator Rockefeller spoke in favor of the substitute bill.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6223.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6223 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, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Haugen and Oke - 3

SUBSTITUTE SENATE BILL NO. 6223, 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. 6287, by Senators Fairley, Thibaudeau and Shin

Authorizing special parking privileges for the legally blind.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6287 was substituted for Senate Bill No. 6287 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and McCaslin 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. 6287.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6287 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, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Haugen and Oke - 3

SUBSTITUTE SENATE BILL NO. 6287, 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. 6508, by Senators Rasmussen, Poulsen, Kline, McCaslin, Brown, Oke, Schmidt, Swecker, Finkbeiner and Kohl-Welles

Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for

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Washingtonians, and stimulate the creation of a new industry that benefits our farmers and rural communities.

NEW SECTION, Sec. 2. A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least two percent of total annual diesel fuel sales are biodiesel fuel sales, when the director determines that feedstock grown in Washington state can satisfy a two-percent requirement, or the date November 30, 2008, has passed.

(2) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least five percent of total annual diesel fuel sales are biodiesel fuel sales, when the director determines that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) For the purposes of this chapter, "biodiesel fuel" has the meaning provided in RCW 82.29A.135.

(4) The director and the director of licensing shall adopt rules for enforcing and carrying out the purposes of this section.

NEW SECTION, Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

(1) Beginning December 1, 2008, all gasoline sold or offered for sale in Washington shall contain at least two percent denatured ethanol by volume.

(2) If the director of ecology determines that ethanol content greater than two percent will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that all gasoline sold or offered for sale in Washington shall contain up to a maximum of ten percent of denatured ethanol by volume. The director of agriculture shall allow blenders and retailers six months to meet the new minimum content requirement.

(3) The director of agriculture shall adopt rules for enforcing and carrying out the purposes of this section.

Sec. 4. RCW 19.112.020 and 1990 c 102 s 3 are each amended to read as follows:

(1) This chapter shall be administered by the director or his or her authorized agent. ~~((For the purpose of administering this chapter,))~~

(2) ~~The director shall adopt rules for maintaining standards for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements ((thereto, and revisions thereof, are adopted)), amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or ((state)) NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. ((Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.))~~ The department of agriculture shall not exceed ASTM standards for diesel.

(3) ~~The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering biodiesel and ethanol blends to be identified by a label stating the percentage of biodiesel or ethanol.~~

NEW SECTION, Sec. 5. A new section is added to chapter 19.112 RCW to read as follows:

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The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation; and how the use of renewable fuel blends greater than two percent could achieve the goals of this act. The director shall make recommendations to the legislature and the governor on the implementation or suspension of this act by September 1, 2007.

NEW SECTION, Sec. 6. A new section is added to chapter 19.112 RCW to read as follows:

The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in section 2 or 3 of this act, or both, based on a determination that such requirements are temporarily technically or economically infeasible.

NEW SECTION, Sec. 7. A new section is added to chapter 19.112 RCW to read as follows:

(1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock, and whether the goals of section 2 of this act have been achieved.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least five percent ethanol made predominantly from Washington feedstock, without jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution, and whether the goals of section 3 of this act have been achieved.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of section 2 or 3 of this act, or both, have been achieved, then the governor shall issue an executive order declaring that section 2 or 3 of this act, or both, are no longer applicable.

NEW SECTION, Sec. 8. A new section is added to chapter 19.112 RCW to read as follows:

(1) If either or both of the goals in sections 2 and 3 of this act are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as those goals, or either of them, is met.

(2) The director shall report to the governor and the legislature November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing section 2 or 3 of this act, or both, as applicable.

NEW SECTION, Sec. 9. A new section is added to chapter 19.112 RCW to read as follows:

For the purposes of sections 2 through 8 of this act, "diesel" means special fuel as defined in RCW 82.38.020, and dyed special fuel as defined in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005."

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

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Schoesler to the striking amendment be adopted.

Beginning on page 1, line 3 of the amendment, strike all of sections 1 through 4, and insert the following:

"**Sec. 1.** RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel,

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agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, all state agencies combined are required to use a minimum of twenty percent biodiesel, to be derived from Washington grown feedstock to the maximum extent possible, as compared to the total aggregate volume of all diesel purchases made by state agencies for the operation of diesel-powered vehicles and equipment.

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

Beginning on page 3, line 15 of the amendment, strike all of sections 5 through 9, and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

The department of general administration must assist state agencies seeking to meet the biodiesel fuel mandates in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years to secure a sufficient and stable supply of biodiesel for use by state agencies.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:

The department of general administration shall coordinate a biodiesel technical assistance team, including representatives from the department of agriculture, the department of ecology, the department of community, trade, and economic development's energy policy division, and Washington State University's energy program. The team shall provide assistance to fleet managers and recommend best management practices concerning the use of biodiesel."

On page 5, line 2 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 43.19.642; and adding new sections to chapter 43.19 RCW."

Senator Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senator Poulsen spoke against 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 Mulliken and Schoesler on page 1, line 3 to the striking amendment to Substitute Senate Bill No. 6508.

MOTION

Senator Mulliken demanded a division.

The motion by Senator Mulliken failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 1, line 10, after "November 30," strike "2008", and insert "2009"

On page 2, line 5, after "December 1," strike "2008", and insert "2009"

On page 3, line 24, after "September 1" strike "2007" and insert "2008"

On page 3, line 33, after "November 30," strike "2008" and insert "2009"

On page 4, line 3, after "November 30," strike "2008" and insert "2009"

On page 4, line 9, after "December 1," strike "2008" and insert "2009"

On page 4, line 19, after "November 30," strike "2008" and insert "2009"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Schoesler, Sheldon and Mulliken spoke in favor of adoption of the amendment to the striking amendment.

Senators Poulsen and Doumit spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 10 to the striking amendment to Substitute Senate Bill No. 6508.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 1, line 20, after "(2)", strike everything through "(3)" on line 27.

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 1, line 20 to the striking amendment to Substitute Senate Bill No. 6508 was withdrawn.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Doumit and Poulsen to the striking amendment be adopted.

On page 3, after line 24 insert the following:

"Sec. 6. RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra- low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, all state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agency for the operation of the agency's diesel-powered vehicles and construction equipment.

(4) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file quarterly reports with the department of general administration documenting any problems encountered with the use of the fuel and a description of how the problems were resolved.

NEW SECTION. Sec. 7. A new section is added to chapter 43.19 RCW to read as follows:

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(1) The department of general administration must assist state agencies seeking to meet the biodiesel fuel mandates in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642(4) and report its findings and recommendations to the governor and legislature within thirty days from the end of each reporting period. The governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under section 8 of this act."

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

Senator Fraser 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 Fraser, Doumit and Poulsen on page 3, line 24 to the striking amendment to Substitute Senate Bill No. 6508.

The motion by Senator Fraser 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 Poulsen as amended to Substitute Senate Bill No. 6508.

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

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 19.112.020; adding new sections to chapter 19.112 RCW; and creating a new section."

On page 5, line 2 of the title, after "19.112.020", insert "and 43.19.642"

On page 5, line 3 of the title, after "crating a new", strike "section" and insert "sections"

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Mulliken, Morton, Honeyford and Parlette spoke against passage of the bill.

Senators Rasmussen and Pridemore 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. 6508.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6508 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt,

Shin, Spanel, Thibaudeau and Weinstein - 27

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, 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.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Elizabeth Kohl, the mother of Senator Kohl-Welles, who was seated at the rear of the chamber.

REMARKS BY THE PRESIDENT

President Owen: "Now, I'm going to have to have you come up here one of these days and make that speech to the Senators where they can all hear you. We are very pleased and honored as always to have you with us today. You're very lovely and remarkable person and Happy Birthday."

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION 8712

By Senators Shin, Jacobsen, Kastama, Hargrove, Weinstein, Regala, Sheldon, Berkey, Franklin and Rockefeller

WHEREAS, Communities are composed of people of all ethnic backgrounds who have a wide range of needs, and the Mukilteo Family YMCA is composed of people of all religious affiliations working together to build strong values, families, and communities; and

WHEREAS, In the spirit of the rich heritage rooted in these values, the Mukilteo Family YMCA was chartered in 1993 to achieve its mission of providing a safety hub and infrastructure in the community; and

WHEREAS, This organization is largely successful because governing leaders in the community have invested their own hearts and time to celebrate and provide the community with a facility where children, individuals, and families can all join together in activities that help strengthen their bonds with family, the community, and themselves; and

WHEREAS, This type of outlet in the community is becoming more important because we live in a world of competing needs within our work, family, and community, making it increasingly difficult to feel connected to our neighbors and to know who to lean on when help is needed; and

WHEREAS, The Mukilteo Family YMCA serves more than 19,000 people each year as a community center, with over 30 organized programs that help individuals of all ages build themselves physically, through workout facilities and fitness programs, emotionally, mentally, and spiritually through the classes and service opportunities the programs provide; and

WHEREAS, These programs also provide: Affordable child care for families of every income level; fun and constructive activities that foster inner strength and confidence; and service learning opportunities for people of all ages; and

WHEREAS, The founding board members of the Mukilteo Family YMCA, many of whom still serve on the board today,

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worked indefatigably to establish a sound footing for the organization and continue to devote countless hours to ensuring the long-term viability of this worthwhile organization; and

WHEREAS, This strategic plan will only deepen the impact of the programs that already touch so many individuals and families in the community;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and express its appreciation for the Mukilteo Family YMCA for its service to children, teens, families, and the community at large; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington recognize (1) the Mukilteo Family YMCA for its history of building the values of caring, honesty, respect, and responsibility and serving the community by emotionally, physically, and spiritually supporting people of all ages and economic, social, and cultural backgrounds, and (2) that this impact will only be broadened with expansion; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mukilteo Family YMCA.

Senators Shin and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8712.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Board of the Mukilteo Family YMCA, Frank Foster, Board Chair; Jeff Dunleary, Executive Director; and Matt Martin, Capital Campaign Chair who were seated in the gallery.

MOTION

At 12:21 p.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 1:21 p.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 6802, by Senator Brown

Regarding air pollution control authority boards.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 6802 was substituted for Senate Bill No. 6802 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 10, after "four" insert "hundred"

Senator Delvin 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 Delvin on page 1, line 10 to Substitute Senate Bill No. 6802.

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

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 6802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senators Morton, Finkbeiner, Honeyford, Zarelli, Brandland, Pflug and Benson were excused.

MOTION

On motion of Senator Regala, Senators Doumit, Jacobsen, Kline, McAuliffe, Poulsen and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6802.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6802 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Thibaudeau and Weinstein - 36

Voting nay: Senators Honeyford, Morton, Mulliken, Schoesler and Swecker - 5

Excused: Senators Benson, Deccio, Jacobsen, McAuliffe, Oke, Pflug, Poulsen and Zarelli - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 6802, 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. 6189, by Senator Keiser

Regulating hospitals and ambulatory surgical centers. Revised for 1st Substitute: Requiring hospitals to provide patients certain billing information.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6189 was substituted for Senate Bill No. 6189 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike "hospital billing information" and insert "requiring hospitals to

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provide information to help patients better understand their hospital bills".

Senator Keiser 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 Keiser on page 1, line 1 to Substitute Senate Bill No. 6189.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser 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 Substitute Senate Bill No. 6189.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

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

Voting nay: Senator Benton - 1

Excused: Senators Deccio, Jacobsen, Oke, Pflug, Poulsen and Zarelli - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, 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 1:39 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 1:52 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
HOUSE BILL NO. 1305,
THIRD SUBSTITUTE HOUSE BILL NO. 1458,

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SUBSTITUTE HOUSE BILL NO. 1944,
SUBSTITUTE HOUSE BILL NO. 2033,
SUBSTITUTE HOUSE BILL NO. 2219,
HOUSE BILL NO. 2364,
HOUSE BILL NO. 2398,
SUBSTITUTE HOUSE BILL NO. 2437,
SUBSTITUTE HOUSE BILL NO. 2447,
HOUSE BILL NO. 2551,
HOUSE BILL NO. 2617,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 3180,
SUBSTITUTE HOUSE BILL NO. 3282,
SECOND SUBSTITUTE HOUSE BILL NO. 3287,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2943,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
HOUSE JOINT RESOLUTION NO. 4202,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED HOUSE BILL NO. 2340,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:
ENGROSSED HOUSE BILL NO. 1069,
SECOND SUBSTITUTE HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 2658,
SUBSTITUTE HOUSE BILL NO. 2670,
SUBSTITUTE HOUSE BILL NO. 2694,

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 HOUSE BILL NO. 2704,
 SUBSTITUTE HOUSE BILL NO. 2715,
 HOUSE BILL NO. 2717,
 HOUSE BILL NO. 2829,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill{s):
 SUBSTITUTE HOUSE BILL NO. 1341,
 HOUSE BILL NO. 1763,
 HOUSE BILL NO. 1964,
 SUBSTITUTE HOUSE BILL NO. 2416,
 SUBSTITUTE HOUSE BILL NO. 2457,
 SUBSTITUTE HOUSE BILL NO. 2669,
 HOUSE BILL NO. 3237,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6720, by Senators Brandland, Kohl-Welles, McAuliffe, Hargrove, Rockefeller, Schmidt, Rasmussen, Stevens, Delvin and Roach

Revising reporting requirements for criminal history record information.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 6720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6720.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6720 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

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

43

Absent: Senators Finkbeiner, Hewitt, Kline and Mulliken -

4

Excused: Senators Deccio and Oke - 2

SENATE BILL NO. 6720, 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

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6309.

POINT OF INQUIRY

Senator Esser: "Would the Senator from the forty-seventh District yield to a question? Senator, why is it critical and essential to adopt this motion immediately to go to the ninth order to remove Senate Bill No. 6309 from the Senate Ways & Means Committee?"

Senator Johnson: "Senator, the short answer is, that the bill, the new estate tax stand alone the estate state tax, was effective July 1 of last year so deaths in July mean the tax will be due in April coming up. So it must be acted upon now before that tax is due. The tax is expected to collect less than two-hundred million per biennium and since we were here last year we've had a revenue forecast....."

Senator Eide spoke against the motion.

REMARKS BY THE PRESIDENT

President Owen: "Senator Eide, do you have a point of order because otherwise I need to let him finish his comments and then you can respond to his comments."

Senator Johnson: "Thank you Mr. President. Since we were in session a year ago, the revenue forecast has shown increases of more than twice the amount to be raised by the state tax and will probably be more with next week's forecast. Finally, just a reminder from last year's debate, this tax is grossly unfair. It favors farm businesses but not other businesses and it factors in out-of-state properties so you can have property in this state under the two million dollar exemption and still pay an estate tax. If that's not unconstitutional, it's at least grossly unfair. Please support the motion."

Senator Doumit spoke against the motion.

MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

MOTION

On motion of Senator Schoesler, Senator Mulliken was excused.

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The President declared the question before the Senate to be the motion by Senator Esser that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6309.

The Secretary called the roll on the motion by Senator Esser and the motion failed by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Excused: Senators Deccio, Mulliken and Oke - 3.

SECOND READING

SENATE BILL NO. 6463, by Senators Fairley and Benton

Allowing banks and savings banks to organize as limited liability companies.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6463.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6463 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, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SENATE BILL NO. 6463, 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. 6362, by Senators Kohl-Welles, Keiser, Jacobsen and Kline

Modifying voter registration provisions.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6362 was substituted for Senate Bill No. 6362 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 40

Voting nay: Senators Finkbeiner, Johnson, Morton, Stevens and Zarelli - 5

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SUBSTITUTE SENATE BILL NO. 6362, 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. 6133, by Senators Rasmussen, Schoesler, Swecker and Pridemore

Licensing Christmas tree growers.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6133 was substituted for Senate Bill No. 6133 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen 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. 6133.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

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

Voting nay: Senator Honeyford - 1

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4
 SUBSTITUTE SENATE BILL NO. 6133, 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. 6194, by Senators Franklin, Regala, Keiser, Eide, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Spanel, Kline, Kohl-Welles and Shin

Requiring multicultural education for health professionals.

The measure was read the second time.

MOTION

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

On page 1, line 17, after "shall", strike "require a course" and insert, "include instruction and assessment".

Renumber the sections consecutively and correct any internal references accordingly.

Senators Franklin and Pflug 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 Franklin on page 1, line 17 to Senate Bill No. 6194.

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

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

Senator Pflug spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6194.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6194 and the bill passed the Senate

by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Brandland, Delvin, Hewitt, Honeyford, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 13

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

ENGROSSED SENATE BILL NO. 6194, 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. 6232, by Senators Keiser and Thibaudeau

Requiring health carriers to report certain information.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 7, after "year" strike "a report that contains" and insert "as part of the additional data statement or as a supplemental data statement"

Senator Keiser 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 Keiser on page 1, line 7 to Substitute Senate Bill No. 6232.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Brandland 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. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6232 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 1; Excused, 4.

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

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Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 42

Voting nay: Senators Carrell and Roach - 2

Absent: Senator Brown - 1

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6232, 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. 6193, by Senators Franklin, Regala, Keiser, Eide, Prentice, Rasmussen, Jacobsen, Fairley, McAuliffe, Fraser, Brown, Kline, Kohl-Welles, Parlette and Shin

Requiring surveys of health professions work force supply and demographics.

MOTIONS

On motion of Senator Franklin, Second Substitute Senate Bill No. 6193 was substituted for Senate Bill No. 6193 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Second Substitute Senate Bill No. 6193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6193.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6193 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Benson, 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, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Benton and Schoesler - 2

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SECOND SUBSTITUTE SENATE BILL NO. 6193, 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. 6308, by Senators Carrell, Stevens, Regala, Schoesler, Schmidt, Oke and Rasmussen

Creating a joint select committee on offenders programs, sentencing, and supervision.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6308 was substituted for Senate Bill No. 6308 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. 6308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Hargrove 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. 6308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6308 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senator Shin - 1

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SUBSTITUTE SENATE BILL NO. 6308, 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. 6234, by Senators Fairley, Keiser, Spanel and Esser

Creating the insurance fraud program.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6234 was substituted for Senate Bill No. 6234 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this act is to confront the problem of insurance fraud in this state by making

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a concerted effort to detect insurance fraud, reduce the occurrence of fraud through criminal enforcement and deterrence, require restitution of fraudulently obtained insurance benefits and expenses incurred by an insurer in investigating fraudulent claims, and reduce the amount of premium dollars used to pay fraudulent claims. The primary focus of the insurance fraud program is on organized fraudulent activities committed against insurance companies.

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

(1) "Insurance commissioner" means the insurance commissioner of this state.

(2) "Insurance fraud" means an act or omission committed by a person who, knowingly, and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

(a) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

(i) An application for the issuance or renewal of an insurance policy;

(ii) The rating of an insurance policy or contract;

(iii) A claim for payment or benefit pursuant to an insurance policy;

(iv) Premiums paid on an insurance policy;

(v) Payments made in accordance with the terms of an insurance policy; or

(vi) The reinstatement of an insurance policy;

(b) Willful embezzlement, abstracting, purloining, or conversion of moneys, funds, premiums, credits, or other property of an insurer or person engaged in the business of insurance; or

(c) Attempting to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this subsection.

The definition of insurance fraud is for illustrative purposes only under this chapter to describe the nature of the behavior to be reported and investigated, and is not intended in any manner to create or modify the definition of any existing criminal acts nor to create or modify the burdens of proof in any criminal prosecution brought as a result of an investigation under this chapter.

(3) "Insurer" means an insurance company authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health care maintenance organization registered under chapter 48.46 RCW.

NEW SECTION. Sec. 3. (1) There is established an insurance fraud program within the office of the attorney general. The attorney general may employ supervisory, legal, and investigative personnel for the program, who must be qualified by training and experience in the areas of detection, investigation, or prosecution of fraud in which the insurance industry is a victim. The chief of the fraud program is a full-time position that is appointed by the attorney general. The chief serves at the pleasure of the attorney general. The attorney general shall provide office space, equipment, supplies, investigators, clerical staff, and other staff that are necessary for the program to carry out its duties and responsibilities under this chapter.

(2) The attorney general may fund one or more state patrol

officers to work with the insurance fraud program and the funding for the officers must be paid out of the budget of the insurance fraud program.

(3) The attorney general may make grants to or reimburse local prosecuting attorneys to assist in the prosecution of insurance fraud. The grants must be paid out of the budget of the insurance fraud program. The attorney general may investigate and seek prosecution of crimes involving insurance fraud upon the request of or with the concurrence of the county prosecuting attorney of the jurisdiction in which the offense has occurred. Before such a prosecution, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

(4) Staff levels for this program, until June 30, 2010, shall not exceed 8.0 full-time equivalents.

NEW SECTION. Sec. 4. The annual cost of operating the fraud program is funded from the attorney general's insurance fraud account which is hereby created. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 5. (1) The attorney general may:

(a) Employ and train personnel to achieve the purposes of this chapter and to employ legal counsel, investigators, auditors, and clerical support personnel and other personnel as the attorney general determines necessary from time to time to accomplish the purposes of this chapter;

(b) Initiate inquiries and conduct investigations when the attorney general has cause to believe that insurance fraud has been, is being, or is about to be committed;

(c) Conduct independent examinations of alleged insurance fraud;

(d) Review notices, reports, or complaints of suspected insurance fraud activities from federal, state, and local law enforcement and regulatory agencies, persons engaged in the business of insurance, and any other person to determine whether the reports require further investigation;

(e) Share records and evidence with federal, state, or local law enforcement or regulatory agencies, and enter into interagency agreements;

(f) Conduct investigations outside this state. If the information the attorney general seeks to obtain is located outside this state, the person from whom the information is sought may make the information available to the attorney general to examine at the place where the information is located. The attorney general may designate representatives, including officials of the state in which the matter is located, to inspect the information on behalf of the attorney general, and the attorney general may respond to similar requests from officials of other states;

(g) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the attorney general deems relevant or material to an inquiry concerning insurance fraud;

(h) Report incidents of alleged insurance fraud disclosed by its investigations to the appropriate prosecutorial authority, including but not limited to other appropriate law enforcement, administrative, regulatory, or licensing agency;

(i) Assemble evidence, prepare charges, and work closely with any prosecutorial authority having jurisdiction to pursue

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prosecution of insurance fraud; and

(j) Undertake independent studies to determine the extent of fraudulent insurance acts.

(2) The fraud program investigators who have obtained certification as a peace officer under RCW 43.101.095 have the powers and status of a limited authority Washington peace officer.

NEW SECTION. Sec. 6. (1) Any insurer or licensee of the insurance commissioner that has reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed shall furnish and disclose the knowledge and information to the attorney general or the national insurance crime bureau, the national association of insurance commissioners, or similar organization, who shall disclose the information to the attorney general, and cooperate fully with any investigation conducted by the attorney general.

(2) Any person that has a reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed; or any person who collects, reviews, or analyzes information concerning insurance fraud which is or may be a crime under Washington law may furnish and disclose any information in its possession concerning such an act to the attorney general or to an authorized representative of an insurer that requests the information for the purpose of detecting, prosecuting, or preventing insurance fraud.

NEW SECTION. Sec. 7. (1) Documents, materials, or other information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying under chapters 42.17 and 42.56 RCW. The attorney general is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the attorney general's official duties.

(2) The attorney general:

(a) May share documents, materials, or other information, including the documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated;

(b) May receive documents, materials, or information from (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated and any such documents, materials, or information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(3) Specific investigative and law enforcement records obtained by the attorney general, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, are exempt under subsection (1) of this section.

(4) Information revealing the identity of persons who are

witnesses to or victims of crime obtained by the attorney general or investigative or law enforcement agencies under this chapter, if disclosure would endanger any person's life, physical safety, or property, is exempt under subsection (1) of this section. If at the time the documents, materials, or information are provided to the attorney general or investigative or law enforcement agencies under this chapter, and the victim or witness indicates a desire for disclosure or nondisclosure, their desire governs.

(5) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the attorney general under this section or as a result of sharing documents, materials, or information as authorized in subsection (2) of this section.

(6) Documents, materials, or other information that is in the possession of persons other than the attorney general that would otherwise not be confidential by law or privileged do not become confidential by law or privileged by providing the documents, materials, or other information to the attorney general.

NEW SECTION. Sec. 8. In a criminal prosecution for any crime under Washington law in which the insurance company is a victim, the insurance company is entitled to be considered as a victim in any restitution ordered by the court under RCW 9.94A.753, as part of the criminal penalty imposed against the defendant convicted for such a violation.

NEW SECTION. Sec. 9. This chapter does not:

(1) Preempt the authority or relieve the duty of any other general authority law enforcement agencies to investigate, examine, and prosecute suspected violations of law;

(2) Prevent or prohibit a person from voluntarily disclosing any information concerning insurance fraud to any law enforcement agency other than the attorney general; or

(3) Limit any of the powers granted elsewhere in this title to the attorney general to investigate and examine possible violations of the law and to take appropriate action.

NEW SECTION. Sec. 10. No later than six months after the effective date of this section, or when the insurer has used all its existing paper application and claim forms which were in its possession on the effective date of this section, whichever is later, all applications for insurance, and all claim forms regardless of the form of transmission provided and required by an insurer or required by law as condition of payment of a claim, must contain a statement, permanently affixed to the application or claim form, that clearly states in substance the following:

"It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits."

The lack of a statement required in this section does not constitute a defense in any criminal prosecution nor any civil action.

NEW SECTION. Sec. 11. The attorney general shall appoint an insurance fraud advisory board. The board shall consist of nine members. Four members shall be representatives from the insurance industry doing business in this state, at least one of which shall be from a Washington domestic insurer, two members shall represent consumers, one member shall represent the national insurance crime bureau or successor organization, one member shall represent prosecutors, and one member shall represent other law enforcement agencies. The members of the board serve four-year terms and until their successors are

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appointed and qualified. Three of the original members must be appointed to serve an initial term of four years, two must be appointed to serve an initial term of three years, two must be appointed to serve an initial term of two years, and two must be appointed to serve an initial term of one year. The members of the board receive no compensation. The board shall advise the attorney general and the legislature with respect to the effectiveness, resources allocated to the fraud program, the source of the funding for the program, and before June 30, 2010, if the staffing level restriction in section 3(5) of this act should be renewed.

NEW SECTION. Sec. 12. The attorney general shall prepare an annual report of the activities of the fraud program. The report shall be submitted to the legislature no later than March 1st for the prior calendar year. The report shall, at a minimum, include information as to the number of cases reported to the attorney general, the number of cases referred for prosecution, the number of convictions obtained, the amount of money recovered, and any recommendations of the insurance advisory board.

NEW SECTION. Sec. 13. The attorney general may adopt rules to implement and administer this chapter.

Sec. 14. RCW 48.50.070 and 2000 c 254 s 5 are each amended to read as follows:

Any licensed insurance agent, any licensed insurance broker, or any insurer or person acting in the insurer's behalf, health maintenance organization or person acting in behalf of the health maintenance organization, health care service contractor or person acting in behalf of the health care service contractor, or any authorized agency which releases information, whether oral or written, to the attorney general, the national insurance crime bureau, the national association of insurance commissioners, other law enforcement agent or agency, or another insurer under RCW 48.50.030, 48.50.040, 48.50.050, ~~((or))~~ 48.50.055, or section 5 of this act is immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the agent, broker, insurer, health care maintenance organization, health care service contractor, or authorized agency against the insured is shown.

Sec. 15. RCW 48.50.075 and 1995 c 285 s 24 are each amended to read as follows:

In denying a claim, an insurer, health maintenance organization, or health care service contractor who relies upon a written opinion from an authorized agency specifically enumerated in RCW 48.50.020(1) (a) through (g) that criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of criminal activity in which the claimant was a participant.

Sec. 16. RCW 10.93.020 and 2002 c 128 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement

agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the attorney general, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's

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department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 17. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the

insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; (~~and~~)

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

(11) Documents, materials, or information obtained by the attorney general under section 7 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 42.17 RCW to read as follows:

Documents, materials, or information obtained by the attorney general under section 7 of this act are exempt from disclosure 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. Sections 1 through 13 and 19 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 21. This act takes effect July 1, 2006."

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 48.50.070, 48.50.075, 10.93.020, and 42.56.400; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date."

Senator Benton and Zarelli spoke in favor of adoption of the striking amendment.

Senators Fairley and Rockefeller spoke against adoption of the striking amendment.

Senator Esser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Benton to Substitute Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Benton and the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hargrove, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 24.

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6234 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 35

Voting nay: Senators Benton, Hewitt, Honeyford, Johnson, Morton, Parlette, Pflug, Schoesler, Sheldon and Stevens - 10

Excused: Senators Deccio, McCaslin, Mulliken and Oke - 4

SUBSTITUTE SENATE BILL NO. 6234, 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. 6255, by Senators Eide and McAuliffe

Improving student performance through student-centered planning.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 29, after "section.", insert "The rules shall require school districts receiving grants from the implementation of the student-centered planning program to make every effort, to the extent possible, to insure adequate capacity in the courses selected by the students."

Senators Eide and Pflug 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 Pflug and Eide on page 2, line 29 to Substitute Senate Bill No. 6255.

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

MOTION

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

On page 2, after line 33, insert the following:

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

Senators Schmidt and Eide 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 Schmidt and Eide on page 2, line 33 to Substitute Senate Bill No. 6255.

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

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Pflug 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. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senator Zarelli - 1

Excused: Senators Deccio, McCaslin and Oke - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6255, 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. 6366, by Senators Keiser, Thibaudeau and Kline

Concerning preparation and response to pandemic influenza.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6366 was substituted for Senate Bill No. 6366 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause, and insert the following:

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

(1) Pandemic influenza is a global outbreak of disease that occurs when a new virus appears in the human population, causes serious illness, and then spreads easily from person to person.

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(2) Historically, pandemic influenza has occurred on average every thirty years. Most recently, the Asian flu in 1957-58 and the Hong Kong flu in 1968-69 killed seventy thousand and thirty-four thousand, respectively, in the United States.

(3) Another influenza pandemic could emerge with little warning, affecting a large number of people. Estimates are that another pandemic influenza would cause more than two hundred thousand deaths in our country, with as many as five thousand in Washington. Our state could also expect ten thousand to twenty-four thousand people needing hospital stays, and as many as a million people requiring outpatient visits. During a severe pandemic these numbers could be much higher. The economic losses could also be substantial.

(4) The current Avian or bird flu that is spreading around the world has the potential to start a pandemic. There is yet no proven vaccine, and antiviral medication supplies are limited and of unknown effectiveness against a human version of the virus, leaving traditional public health measures as the only means to slow the spread of the disease. Given the global nature of a pandemic, as much as possible, the state must be able to respond assuming only limited outside resources and assistance will be available.

(5) An effective response to pandemic influenza in Washington must focus at the local level and will depend on preestablished partnerships and collaborative planning on a range of best-case and worst-case scenarios. It will require flexibility and real-time decision making, guided by accurate information. It will also depend on a well-informed public that understands the dangers of pandemic influenza and the steps necessary to prevent the spread of the disease.

(6) Avian flu is but one example of an infectious disease that, were an outbreak to occur, could pose a significant statewide health hazard. As such, preparation for pandemic flu will also enhance the capacity of local public health jurisdictions to respond to other emergencies.

It is therefore the intent of the legislature that adequate pandemic flu preparedness and response plans be developed and implemented by local public health jurisdictions statewide in order to limit the number of illnesses and deaths, preserve the continuity of essential government and other community services, and minimize social disruption and economic loss in the event of an influenza pandemic.

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

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

NEW SECTION. Sec. 3. To the extent state or federal funds are provided for this purpose, by January 1, 2007, each local health jurisdiction shall develop a pandemic flu preparedness and response plan, consistent with requirements and performance standards established by the department and the United States department of health and human services, for the purpose of:

(1) Defining preparedness activities that should be undertaken before a pandemic occurs that will enhance the effectiveness of response measures;

(2) Describing the response, coordination, and decision-making structure that will incorporate the local health jurisdiction, the local health care system, other local response agencies, and state and federal agencies during the pandemic;

(3) Defining the roles and responsibilities for the local health jurisdiction, local health care partners, and local response agencies during all phases of a pandemic;

(4) Describing public health interventions in a pandemic response and the timing of such interventions;

(5) Serving as a guide for local health care system partners, response agencies, and businesses in the development of pandemic influenza response plans; and

(6) Providing technical support and information on which preparedness and response actions are based.

Each plan shall be developed based on an assessment by the local health jurisdiction of its current capacity to respond to pandemic flu and otherwise meet department outcome measures related to infectious disease outbreaks of statewide significance.

NEW SECTION. Sec. 4. Each jurisdiction shall develop its pandemic flu preparedness and response plan in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. At a minimum, each plan shall address:

(1) Strategies to educate the public about the consequences of influenza pandemic and what each person can do to prepare, including the adoption of universal infectious disease prevention practices and maintaining appropriate emergency supplies;

(2) Jurisdiction-wide disease surveillance programs, coordinated with state and federal efforts, to detect pandemic influenza strains in humans and animals, including health care provider compliance with reportable conditions requirements, and investigation and analysis of reported illness or outbreaks;

(3) Communication systems, including the availability of and access to specialized communications equipment by health officials and community leaders, and the use of mass media outlets;

(4) Mass vaccination plans and protocols to rapidly administer vaccine and monitor vaccine effectiveness and safety;

(5) Guidelines for the utilization of antiviral medications for the treatment and prevention of influenza;

(6) Implementation of nonmedical measures to decrease the spread of the disease as guided by the epidemiology of the pandemic, including increasing adherence to public health advisories, voluntary social isolation during outbreaks, and health officer orders related to quarantines;

(7) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, and assuring the availability of adequate facilities and trained personnel; and

(8) Strategies for maintaining social order and essential community services while limiting the spread of disease throughout the duration of the pandemic.

NEW SECTION. Sec. 5. To the extent state or federal funds are provided for this purpose, the department, in consultation with the state director of emergency management, shall provide technical assistance and disburse funds as needed to support local health jurisdictions in developing their pandemic flu preparedness and response plans. Upon receipt of a plan determined by the department to meet its established requirements and standards, additional funding shall be provided to a district to support the preparedness response activities identified in the plan, including but not limited to:

(1) Education, information, and outreach, in multiple languages, to increase community preparedness and reduce the spread of the disease should it occur;

(2) Development of materials and systems to be used in the event of a pandemic to keep the public informed about the influenza, the course of the pandemic, and response activities;

(3) Development of the legal documents necessary to facilitate and support the necessary government response;

(4) Training and response drills for local health jurisdiction staff, law enforcement, health care providers, and others with responsibilities identified in the plan;

(5) Enhancement of the communicable disease surveillance system; and

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(6) Development of coordination and communication systems among responding agencies.

Where appropriate, these activities shall be coordinated and funded on a regional or statewide basis. In the event that a local health jurisdiction does not show adequate progress towards implementing its plan, the department may intervene to provide necessary technical assistance.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

Senators Keiser and Parlette 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 Keiser to Substitute Senate Bill No. 6366.

The motion by Senator Keiser 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 "influenza;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

POINT OF INQUIRY

Senator Sheldon: "Would Senator Keiser yield to a question? Senator Keiser, in reading the bill, is it your intention that this is not an unfunded mandate for the counties but the counties will receive funding from the state in order to prepare these plans?"

Senator Keiser: "It is my intention this is not being an unfunded mandate, absolutely."

Senator Benton spoke on passage of the bill.

Senator Thibaudeau 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. 6366.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6366 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 SUBSTITUTE SENATE BILL NO. 6366, 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. 6427, by Senators Kastama, Mulliken, Morton and Rasmussen

Concerning schedules for the review of comprehensive plans and development regulations.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6427 was substituted for Senate Bill No. 6427 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senators Pridemore, Kastama, Benton and Roach be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is a statewide interest in maintaining coordinated planning as called for in the legislative findings of the growth management act, RCW 36.70A.010. It is the intent of the legislature that smaller, slower-growing counties and cities be provided with flexibility in meeting the requirements to review local plans and development regulations in RCW 36.70A.130, while ensuring coordination and consistency with the plans of neighboring cities and counties.

Sec. 2. RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

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(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; ~~(and)~~

(iv) Until June 30, 2006, the designation of recreational lands under RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section ~~((and those counties and cities demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas))~~ may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. ~~((A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is deemed to be making substantial progress towards compliance.))~~ Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

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(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section(-);

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section(-); and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance."

Senators Pridemore and Benton 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 Pridemore, Kastama, Benton and Roach to Substitute Senate Bill No. 6427.

The motion by Senator Pridemore 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 "counties;" strike the remainder of the title and insert "reenacting and amending RCW 36.70A.130; and creating a new section."

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6427.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427 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, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45.

Excused: Senators Deccio, Kline, McCaslin and Thibaudeau - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, 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. Been having a lot of people come up and saying 'What's going on?' and just to let the body know that this week or last week really I got a call from oncologist said, 'It's back.' So today I was in the Seattle taking two pints of red blood cells. My red bloods are way down and they told me that, they told me, that they came from Seattle, a very liberal district, so I'm getting a little concerned there. I'm feeling well. We're on plan B. They're going to give me some new medicine Friday and some other things and then my brother's waiting to give me his stem cells, if we have to do that this summer. The good part is, it's easy going in. They'll probably kill off all mine Multiple Myeloma cells in me, but then cells might start attacking something else that I need like a liver or something else. So a lot of prayers needs. Appreciate your prayers, support vigil. Always been there for me and I feel good and I feel like we'll make it through this session and we'll do some good things. God bless, thank you."

SECOND READING

SENATE BILL NO. 6364, by Senators Roach, Rasmussen, Kastama, Haugen and Kline

Prohibiting certain activities on motor driven boats and vessels.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and 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. 6364.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 6364 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, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45.

Excused: Senators Deccio, Kline, McCaslin and Thibaudeau - 4.

SENATE BILL NO. 6364, 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. 6579, by Senators McAuliffe, Eide, Weinstein, Schmidt, Berkey, Rasmussen, Franklin, Keiser and Shin

Requiring parents be notified when a juvenile is taken into custody.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6579 was substituted for Senate Bill No. 6579 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6579 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 Substitute Senate Bill No. 6579.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6579 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, 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, Weinstein and Zarelli - 46.

Excused: Senators Deccio, McCaslin and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 6579, 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

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SENATE BILL NO. 6731, by Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline and Parlette

Prohibiting sellers of travel from promoting travel for sex tourism.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6731.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6731 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.

SENATE BILL NO. 6731, 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. 6541, by Senators Prentice and Zarelli

Regarding appeal bond requirements against signatories of the tobacco master settlement agreement.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6541 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli 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. 6541.

ROLL CALL

The Secretary called the roll on the final passage of Senate

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Bill No. 6541 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, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 45.

Voting nay: Senators Kohl-Welles and Weinstein - 2.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6541, 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. 6555, by Senators Prentice, Haugen, Mulliken, Berkey, Kastama and Rasmussen

Providing research and services for special purpose districts.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6555 was substituted for Senate Bill No. 6555 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli 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. 6555.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6555 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. 6555, 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. 6330, by Senators Shin, Kastama, Sheldon, Rasmussen, Doumit, Weinstein, Fraser, Swecker,

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McAuliffe, Oke, Eide, Honeyford, Franklin, Mulliken, Prentice, Pflug, Kohl-Welles, Jacobsen and Roach

Establishing the Washington trade corps fellowship program.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330 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. 6330, 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. 6411, by Senators Doumit, Parlette, Pridemore, Delvin, Fraser, McAuliffe, Shin and Kohl-Welles

Allowing six-year long collective bargaining agreements.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit 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. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6411 and the bill passed the Senate by the following

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vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

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

Voting nay: Senators Honeyford, Mulliken, Pflug and Schoesler - 4.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6411, 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. 6459, by Senators Keiser, Brandland, Thibaudeau, Spanel, Rasmussen, Kline, Parlette and Kohl-Welles

Supporting community-based health care solutions.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 6459 was substituted for Senate Bill No. 6459 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

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

(1) Despite sustained efforts at the federal and state level, too many people in Washington remain without access to appropriate health care. Particularly alarming is the increase in the number of small business employees who are uninsured. Without a health home, many low-income and other vulnerable populations are left to inefficiently navigate a fragmented treatment system that fails to support their long-term well-being.

(2) In recent years, numerous community-based organizations have emerged around the state to address health care concerns at a local level. Through innovation and public/private collaboration, they have demonstrated great success and show even greater promise in improving health care access for local residents. Less remote than state and federal agencies, these organizations have built on local relationships to increase the availability and affordability of services, and coordinate care, making efficient use of a wide variety of community resources to meet community needs.

(3) Many of these organizations have relied on grants from the healthy communities access program, an initiative of the United States department of health and human services that provided funding and technical assistance to support collaborative efforts at the local level to coordinate and strengthen health services for the uninsured and underinsured. The program, however, was recently discontinued, placing these local efforts at risk.

It is therefore the intent of the legislature to enhance and support the development of collaborative community-based

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organizations working at the local level to increase access to health care for Washington residents.

NEW SECTION. Sec. 2. (1) The community health care collaborative grant program is established to further the efforts of community-based organizations to increase access to appropriate, affordable health care for Washington residents, particularly employed low-income persons who are uninsured and underinsured, through local programs addressing one or more of the following: (a) Access to medical treatment; (b) the efficient use of health care resources; or (c) quality of care.

(2) Grants of up to five hundred thousand dollars per organization shall be awarded pursuant to sections 3 and 4 of this act by the administrator of the health care authority in consultation with the secretary of the department of health, the assistant secretary of the health and recovery services administration within the department of social and health services, and the insurance commissioner.

(3) The health care authority shall provide administrative support for the program.

NEW SECTION. Sec. 3. Eligibility for grants shall be limited to nonprofit organizations established to serve a defined substate geographic region and having a formal collaborative governance structure and decision-making process for improving access. The nature and format of the application, and the application procedure, shall be determined by the administrator of the health care authority. At a minimum, each application shall: (1) Identify the geographic region served by the organization; (2) show how the structure and operation of the organization reflects the interests of, and is accountable to, this region; (3) indicate the size of the grant being requested, and how the money will be spent; and (4) include sufficient information for an evaluation of the application based on the criteria established in section 4 of this act.

NEW SECTION. Sec. 4. (1) Grants shall be awarded on a competitive basis based on a determination of which applicant organization will best serve the purposes of the grant program. In making this determination, consideration shall be given to the extent to which:

(a) The programs to be supported by the grant are likely to address, in a measurable fashion, documented health care access needs within the region to be served;

(b) An applicant organization can be expected to successfully implement these programs, including the extent to which the application reflects formal, active collaboration among key community members such as local governments, school districts, large and small businesses, nonprofit organizations, carriers, private health care providers, and public health agencies;

(c) The applicant organization will match the grant with funds from other sources. Grants may be awarded only to organizations providing at least two dollars in matching funds for each grant dollar awarded;

(d) The grant will enhance the long-term capacity of the applicant organization and its partners to serve the region's documented health care access needs, including the sustainability of the programs to be supported by the grant;

(e) The programs to be supported by the grant reflect creative, innovative approaches which complement and enhance existing efforts to address the needs of the uninsured and underinsured and, if successful, could be replicated in other areas of the state; and

(f) The programs to be supported by the grant make efficient and cost-effective use of available funds through administrative simplification and improvements in the structure and operation of the health care delivery system.

(2) The administrator shall endeavor to disburse grant funds throughout the state, supporting organizations and programs of differing sizes and scales, and serving differing populations.

NEW SECTION. Sec. 5. One-half the total amount of any award shall be disbursed to an organization upon its selection as a grant recipient. The remaining half shall be disbursed one

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year later only upon receipt by the administrator of the health care authority of a progress report from the organization, and a determination by the administrator, in consultation with the secretary of the department of health, the assistant secretary of the health and recovery services administration within the department of social and health services, and the insurance commissioner, that the organization is satisfactorily serving the purposes of the grant program and meeting the objectives identified in its application regarding: (1) Access to medical treatment; (2) the efficient use of health care resources; or (3) quality of care.

NEW SECTION. Sec. 6 By July 1, 2008, the administrator of the health care authority shall provide the governor and the legislature with an evaluation of the community health care collaborative grant program, describing the organizations and programs funded and the results achieved. Particularly successful programs shall be highlighted with recommendations on whether, and how, the programs could be replicated statewide. The evaluation shall also summarize any recommendations from the participating organizations regarding ways to improve the grant program and for the state to otherwise support community-based organizations working to improve access to health care for Washington residents, including any changes in state statutes or regulations.

NEW SECTION. Sec. 7 The health care authority may adopt rules to implement this act.

NEW SECTION. Sec. 8 The community health care collaborative account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes set forth in this act. Only the administrator of the health care authority or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 9 This act expires June 30, 2009." Senator Keiser 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 Keiser to Second Substitute Senate Bill No. 6459.

The motion by Senator Keiser 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 "solutions;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Brandland and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6459.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6459 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1;

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, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46.

Voting nay: Senator Pflug - 1.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459, 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. 6501, by Senators Rockefeller, Poulsen, Morton, Honeyford, Fraser, Regala, Kohl-Welles, Rasmussen, Kline and Keiser

Creating the Washington bioenergy loan program. Revised for 1st Substitute: Creating the Washington bioenergy assistance program.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6501 was substituted for Senate Bill No. 6501 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

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

(1) Washington's dependence on energy supplied from outside the state and volatile global energy markets makes its economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthmas and other lung diseases;

(4) The use of biodiesel results in significantly less air pollution than traditional diesel fuels;

(5) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(6) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

(7) The use of energy and fuel derived from these sources can help citizens and business conserve energy and reduce the use of petroleum-based fuels, would improve air and water quality in Washington, reduce environmental risks from farm wastes, create new markets for farm products, and provide new industries and jobs for Washington citizens; and

(8) The bioenergy industry is a new and developing industry that is, in part, limited by the availability of capital for the

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construction of facilities for converting farm and forest products into energy and fuels.

Therefore, the legislature finds that it is in the public interest to encourage the rapid adoption and use of bioenergy, to develop a viable bioenergy industry within Washington state, and to support a viable agriculture industry to grow bioenergy crops. To accomplish this, the Washington bioenergy assistance program is established to stimulate the construction of facilities in Washington to generate energy from farm sources or convert organic matter into fuels.

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

(1) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(2) "Department" means the department of agriculture.

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

(4) "Political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporation or quasi-municipal corporation in the state.

(5) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous and liquid fuels. These specifically include facilities to generate electricity or methane from the anaerobic digestion of organic matter, and facilities for the extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities used to distribute and store fuels that are produced from farm products or wastes.

NEW SECTION. Sec. 3. (1) A bioenergy assistance program is established within the department. The director, in cooperation with the department of community, trade, and economic development, may approve an application providing assistance for a project only if the director finds:

(a) The project will convert farm products or wastes directly into electricity or into gaseous or liquid fuels;

(b) The project demonstrates technical feasibility and probable business success;

(c) The business or facility produces long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The assistance is accompanied by private investment;

(g) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(h) The project will increase energy independence or diversity for the state;

(i) The project will use feed stocks produced in the state, if feasible, except this criterion shall not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(j) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(k) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(l) For applications seeking direct financial assistance, the applicant is unable to secure adequate financing from other sources.

(2) The director may approve an application for assistance up to five million dollars.

(3) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to

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minimize the costs to the applicants, and to encourage establishment of a viable bioenergy industry. The agreement shall include provisions to protect the state's investment, taking into account depreciation and other circumstances or market conditions. In the event the department of general administration coordinates a biodiesel technical assistance team, the agreement shall incorporate the appropriate best management practices developed by the team.

(4) The director may defer any payments for up to twelve months or until the project starts to receive revenue from operations, whichever is sooner.

(5) Political subdivisions and private entities, including economic development councils, may participate in the program.

NEW SECTION. Sec. 4. (1) The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this section.

(2) Each application must show in detail the nature of the project, the source of the feedstock, and the technologies that will be used. Each application must contain a credit analysis of the applicant and a detailed feasibility analysis and business plan.

(3) The director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of community, trade, and economic development, and the Washington state conservation commission.

(4) If the total requested dollar amount of assistance exceeds the amount available in the Washington bioenergy assistance account created in section 5 of this act, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help conserve energy and reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(d) The benefits to Washington's agriculture producers; and

(e) The number and quality of jobs and economic benefits created by the project.

NEW SECTION. Sec. 5. The Washington bioenergy assistance account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 6. The director shall report to the legislature and governor on the status of the Washington bioenergy assistance program created under this chapter, on or before December 1st of the years 2006, 2007, and 2009. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits.

Sec. 7. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to

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submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.-- (sections 1 through 6, 9, and 10 of this act), 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information

described in (a)(ii) of this subsection will be available to the public under this chapter.

Sec. 8. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax

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account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington bioenergy assistance account, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

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(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. 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. 10. Sections 1 through 6 and 9 of this act expire June 30, 2016. Any moneys in the Washington bioenergy assistance account on that date and any moneys received pursuant to assistance made under this chapter must be deposited in the general fund.

NEW SECTION. Sec. 11. Sections 1 through 6, 9, 10, and 12 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 12. This act takes effect July 1, 2006."

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

POINT OF INQUIRY

Senator Mulliken: "Would Senator Rockefeller yield to a question? I'm referring to page 2, section 2 and I'd like to just clarify the sub 4 under section 2 where it says that the political subdivision as a definition means 'any port district, county, city, towns, special purpose district any other municipal corporation or quasi municipal corporation in this state.' In discussions we've talked about the economic development councils being part of their, the going through the process, and allowing recommendations from them. Is it your understanding that includes them?"

Senator Rockefeller: "Thank you for your question Senator. I would refer you to in section 3, sub 4, rather sub 5, on the bottom of page three, where it says, 'Political subdivisions and private enterprises, including economic development councils may participate in the program.'"

Senator Mulliken spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 6501.

The motion by Senator Rockefeller 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 "program;" strike the remainder of the title and insert "amending RCW 42.56.270; reenacting and amending RCW 43.84.092; adding a new chapter to Title 15 RCW; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Mulliken spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6501.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6501 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 SUBSTITUTE SENATE BILL NO. 6501, 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. 6539, by Senators Kohl-Welles, Parlette and Keiser

Changing the formula cap on spirits, beer, and wine restaurant licenses.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6539 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 Senate Bill No. 6539.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6539 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, 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 Honeyford and Mulliken - 2.

Excused: Senators Deccio and McCaslin - 2.

SENATE BILL NO. 6539, 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. 6826, by Senator Benton

Exempting fees and charges for public transportation services from public utility taxes.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6826.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6826 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, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, 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.

Excused: Senators Deccio, Fraser and McCaslin - 3.

SENATE BILL NO. 6826, 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. 6646, by Senators Doumit, Parlette, Sheldon, Swecker and Rasmussen

Regarding outdoor burning in areas of small towns and cities.

MOTION

On motion of Senator Doumit, Substitute Senate Bill No. 6646 was substituted for Senate Bill No. 6646 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Doumit moved that the following striking amendment by Senators Doumit and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.743 and 2004 c 213 s 1 are each amended to read as follows:

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(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any (~~urban growth area as defined by RCW 36.70A.030, or any~~) city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed ~~((after December 31, 2000, except that))~~ within ~~((the))~~ urban growth areas as defined by RCW 36.70A.030, except that within urban growth areas for cities having a population of less than five thousand people, that are neither within nor contiguous with any nonattainment or maintenance area designated under the federal clean air act, ~~((in))~~ no ~~((event shall))~~ such burning shall be allowed after December 31, ((2006)) 2008.

(c) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject to (a) or (b) of this subsection, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this section.

(d)(i) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW 70.94.650 and 70.94.656, is allowed within the urban growth area as defined in (b) of this subsection if the burning is not conducted during air quality episodes, or where a determination of impaired air quality has been made as provided in RCW 70.94.473, and the agricultural activities preceded the designation as an urban growth area.

(ii) Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, shall be allowed as an ongoing agricultural activity under this section if a local horticultural pest and disease board formed under chapter 15.09 RCW, an extension office agent with Washington State University that has horticultural experience, or an entomologist employed by the department of agriculture, has determined in writing that burning is an appropriate method to prevent or control the spread of horticultural pests or diseases.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas."

Senator Doumit spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit and Poulsen to Substitute Senate Bill No. 6646.

The motion by Senator Doumit 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 "cities;" strike the

remainder of the title and insert "and amending RCW 70.94.743."

MOTION

On motion of Senator Doumit, the rules were suspended, Engrossed Substitute Senate Bill No. 6646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Doumit, Morton, Jacobsen and Honeyford spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6646.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6646 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Finkbeiner, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Rasmussen, Roach, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 35.

Voting nay: Senators Fairley, Fraser, Keiser, Kline, Kohl-Welles, Poulsen, Pridemore, Regala, Rockefeller, Spanel, Thibaudeau and Weinstein - 12.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6646, 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. 6699, by Senators Pridemore, Schmidt, Zarelli, McAuliffe, Spanel and Delvin

Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 6699 was substituted for Senate Bill No. 6699 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 6699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6699.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6699 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, 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 - 45.

Voting nay: Senator Carrell - 1.

Excused: Senators Deccio, Fraser and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6699, 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. 6342, by Senators Kline, Esser and Pflug

Changing the election and appointment provisions for municipal court judges.

The measure was read the second time.

MOTION

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

On page 2, line 6, after "and" insert "a resident"

On page 3, line 15, after "person" insert "must be a citizen of the United States of America and a resident of the state of Washington, and"

Senator Kline 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 Kline on page 2, line 6 to Senate Bill No. 6342.

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

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Zarelli spoke against passage of the bill.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Jacobsen, "Shall the main question be

now put?"

MOTION

Senator Honeyford demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The Secretary called the roll on the motion by Senator Jacobsen that the main question be now put and the motion carried by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 25.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Excused: Senators Deccio and McCaslin - 2.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6342.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6342 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Berkey, Brown, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, Mulliken, Prentice, Pridemore, Regala, Rockefeller, Schmidt, Spanel, Stevens, Thibaudeau and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Doumit, Hargrove, Honeyford, Kastama, Keiser, Morton, Oke, Parlette, Pflug, Poulsen, Rasmussen, Roach, Schoesler, Sheldon, Shin, Swecker and Zarelli - 20

Excused: Senators Deccio and McCaslin - 2

ENGROSSED SENATE BILL NO. 6342, 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 5:43 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:50 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6373, by Senators Keiser, Deccio, Zarelli and Spanel

Removing expiration of reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit.

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The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Esser, Senators Morton, Johnson, Benton, Finkbeiner, Roach, Zarelli, Honeyford, Brandland, Mulliken, Schoesler and Pflug were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6373 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Thibaudeau - 40

Absent: Senators Doumit, Jacobsen, Poulsen, Rockefeller and Weinstein - 5

Excused: Senators Deccio, Mulliken, Roach and Zarelli - 4

SENATE BILL NO. 6373, 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: Had I been present I would have voted "Yes" on Senate Bill No. 6373, which eliminates the expiration date for the current bed hold policy applicable to boarding homes providing adult residential or assisted living services.

SENATOR ROCKEFELLER, 23rd Legislative District

SECOND READING

SUBSTITUTE SENATE BILL NO. 5717, by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shim, Rasmussen and Kohl-Welles)

Providing a funding formula for skill centers. Revised for 2nd Substitute: Requiring a study on the availability and use of skill centers.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5717 was substituted for Substitute Senate Bill No. 5717 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Schoesler, Senators Mulliken and Zarelli were excused.

MOTION

On motion of Senator Regala, Senators Doumit, Jacobsen, Rockefeller and Weinstein were excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5717 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, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 44

Excused: Senators Deccio, Doumit, Jacobsen, Mulliken and Zarelli - 5

SECOND SUBSTITUTE SENATE BILL NO. 5717, 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. 6791, by Senators Poulsen, Kohl-Welles and Rockefeller

Allowing the sale of alcoholic beverages on state ferries. Revised for 1st Substitute: Concerning liquor licenses issued to entities providing concession services on ferries.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 6791 was substituted for Senate Bill No. 6791 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6791 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

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MOTION

On motion of Senator Regala, Senators Kline and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6791.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6791 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 37

Voting nay: Senators Benton, Hargrove, Morton, Oke, Roach and Stevens - 6

Excused: Senators Deccio, Jacobsen, Kline, Mulliken, Pridemore and Zarelli - 6

SUBSTITUTE SENATE BILL NO. 6791, 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. 5333, by Senators Regala, Esser, Prentice, Hewitt, Pridemore and McCaslin

Modifying requirements for voter-approved property tax levies. Revised for 2nd Substitute: Modifying requirements for voter-approved regular property tax levies.

MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 5333 was substituted for Senate Bill No. 5333 and the second 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. 5333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5333.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, 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, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senators Benton and Pflug - 2

Excused: Senators Deccio and Zarelli - 2

SECOND SUBSTITUTE SENATE BILL NO. 5333, 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. 6195, by Senators Franklin, Regala, Keiser, Eide, Prentice, Jacobsen, McAuliffe, Fraser, Kline and Shin

Requiring health impact assessments.

MOTIONS

On motion of Senator Franklin, Second Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Second Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin 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. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6195 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, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 45

Voting nay: Senators Pflug and Schoesler - 2

Excused: Senators Deccio and Zarelli - 2

SECOND SUBSTITUTE SENATE BILL NO. 6195, 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. 5236, by Senators Kohl-Welles, Parlette, Keiser, Fraser, Honeyford and Kline

Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account.

MOTIONS

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MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5236 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 Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 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, 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 - 47

Voting nay: Senator Finkbeiner - 1

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5236, 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

At 7:31 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 8:15 p.m. by President Owen.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5462 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5462, by Senators McCaslin and Kastama

Changing the terms for nonlegislative members of the legislative ethics board.

The measure was read the second time.

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.52.350 and 1994 c 154 s 205 are each amended to read as follows:

(1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

(a) One member shall be a classified service employee as defined in chapter 41.06 RCW;

(b) One member shall be a state officer or state employee in an exempt position;

(c) One member shall be a citizen selected from a list of three names submitted by the attorney general;

(d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and

(e) One member shall be a citizen selected at large by the governor.

(2) Except for ~~((initial members and))~~ members completing partial terms, members shall serve ~~((a single))~~ five-year terms. No member may serve more than two full terms.

(3) No more than three members may be identified with the same political party.

~~(4) ((Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.~~

~~(5))~~ A vacancy on the board shall be filled in the same manner as the original appointment.

~~((6))~~ (5) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

~~((7))~~ (6) The members shall annually select a chair from among themselves.

~~((8))~~ (7) Staff shall be provided by the office of the attorney general.

Sec. 2. RCW 42.52.310 and 1994 c 154 s 201 are each amended to read as follows:

(1) The legislative ethics board is created, composed of nine members, selected as follows:

(a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(c) Five citizen members:

(i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and

(ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.

(2) Except for ~~((initial members and))~~ members completing partial terms, nonlegislative members shall serve ~~((a single))~~ five-year terms. No nonlegislative member may serve more than two full terms.

(3) No more than three of the public members may be identified with the same political party.

~~(4) ((Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.~~

~~(5))~~ A vacancy on the board shall be filled in the same manner as the original appointment.

~~((6))~~ (5) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.

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~~((7))~~ (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

~~((8))~~ (7) The citizen members shall annually select a chair from among themselves."

Senator McCaslin 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 Kastama and McCaslin to Senate Bill No. 5462.

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 1 of the title, after "Relating to" strike the remainder of the title and insert "terms of members of ethics boards; and amending RCW 42.52.350 and 42.52.310."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 5462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and McCaslin 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. 5462.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5462 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

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

Absent: Senators Brown, Doumit, Oke and Poulsen - 4

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5462, 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 Oke was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6367, by Senators Haugen, Jacobsen and Berkey

Requiring voluntary measures be included in critical area development regulations.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6367 was substituted for Senate Bill No. 6367 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. 6367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Mulliken and Roach spoke in favor of passage of the bill.

MOTION

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6367 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, McAuliffe, McCaslin, Morton, Mulliken, 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 Oke - 3

SUBSTITUTE SENATE BILL NO. 6367, 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. 6369, by Senators Haugen, Mulliken and Rasmussen

Providing excise tax exemptions for water services provided by small water systems.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6369 was substituted for Senate Bill No. 6369 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Schoesler 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. 6369.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6369 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, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Deccio, Doumit and Oke - 3

SUBSTITUTE SENATE BILL NO. 6369, 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. 6568, by Senators Regala, Carrell and Oke

Modifying animal fighting provisions.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6568 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, McCaslin, Morton, Mulliken, 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 Oke - 2

SENATE BILL NO. 6568, 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. 6391, by Senators Keiser, Deccio, Thibaudeau and Fairley

Concerning the provision of services to independent residents in a continuing care retirement community. Revised for 1st Substitute: Concerning the provision of services for nonresident individuals residing in long-term care settings.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6391 was substituted for Senate Bill No. 6391 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.020 and 2004 c 142 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(2) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

(6) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home, if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010(1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(7) "Domiciliary care" means: Assistance with activities of daily living provided by the boarding home either directly or indirectly; or health support services, if provided directly or indirectly by the boarding home; or intermittent nursing services, if provided directly or indirectly by the boarding home.

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(8) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(9) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

(10) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in RCW 18.20.030(5)(~~but~~). A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the (facility) boarding home and may not receive the items and services listed in subsection (8) of this section, except during the time the person is receiving adult day services as defined in this section.

(11) "Resident" means an individual who is not related by blood or marriage to the operator of the boarding home, and by reason of age or disability, chooses to reside in the boarding home and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the boarding home and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(12) "Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(13) "Adult day services" means care and services provided to a nonresident individual by the boarding home on the boarding home premises, for a period of less than twenty-four continuous hours, and does not involve an overnight stay."

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

MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau and Keiser to the striking amendment be adopted.

On page 3, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.135 RCW to read as follows:

This chapter does not prohibit or restrict the performance of blood-drawing procedures by health care assistants in the residences of research study participants when such procedures have been authorized by the institutional review board of a

comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician.

Sec. 3. RCW 18.135.040 and 1984 c 281 s 3 are each amended to read as follows:

A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in RCW 18.135.010 subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office or in the residences of research study participants in accordance with section 2 of this act. No certification made by one health care facility or health care practitioner is transferrable to another health care facility or health care practitioner."

Senator Thibaudeau spoke in favor of adoption of the amendment to the striking amendment.

Senator Parlette spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Parlette: "Would Senator Thibaudeau yield to a question? So, can you explain for me please, and for the members of the Senate, the purpose of this amendment?"

Senator Thibaudeau: "As I described it Senator Parlette, Fred Hutchinson as you know does considerable research and sometimes there are participants in this research, can't come to the center. Instead, they would like to be able to send these research assistants to the homes of the participants, saving participants travel and hardship and do the blood draws in the home, as long as the physician is supervising them. That is the whole intent of it. I hope you'll support it."

Senator Parlette: "Do you yield to one more question? So is the physician overseeing this liable in these cases? Does the liability rest with the overseeing physician?"

Senator Thibaudeau: "I believe so."

The President declared the question before the Senate to be the adoption of the amendment by Senators Thibaudeau and Keiser on page 3, line 26 to the striking amendment to Substitute Senate Bill No. 6391.

The motion by Senator Thibaudeau 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 Keiser as amended to Substitute Senate Bill No. 6391.

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

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "and amending RCW 18.20.020."

On page 3, line 28 of the title amendment, after "insert" strike "and" and after "18.20.020" insert "and 18.135.040; and adding a new section to chapter 18.135 RCW"

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6391.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6391 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, McCaslin, Morton, Mulliken, 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 Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6391, 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. 6497, by Senators Kline, Franklin and Hargrove

Revising felony sentence ranges.

MOTION

On motion of Senator Kline, Second Substitute Senate Bill No. 6497 was substituted for Senate Bill No. 6497 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Johnson moved that the following striking amendment by Senators Johnson and Thibaudeau be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.510 and 2002 c 290 s 10 are each amended to read as follows:

((TABLE 1
Sentencing Grid

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
X Life Sentence without Parole/Death Penalty										
V	2-3y	4-4y	4-5y	4-6y	4-7y	4-8y	4-9y	4-10y	4-12y	13-6y
V	m	m	m	m	m	m	m	m	0m	

	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320-	333-	347-	361-	374-	388-	416-	450-	493-	548-
X	11y	415y	416y	217y	17y	1118y	920y	522y	225y	729y
V	m	m	m		m	m	m	m	m	
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	220-	234-	244-	254-	265-	275-	295-	316-	357-	397-
X	112y	13y	14y	15y	16y	17y	19y	21y	25y	29y
H										
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164-	178-	192-	205-	219-	233-	260-	288-	342-	397-
X	19y	9y	110y	911y	812y	613y	515y	917y	320y	323y
f		m	m	m	m	m	m	m	m	m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123-	136-	147-	160-	171-	184-	216-	236-	277-	318-
X	17y	6m	8y	4m	9y	2m	9y	1110y	911y	714y
f										
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102-	114-	125-	136-	147-	158-	194-	211-	245-	280-
X	5y	5y	6m	6y	6y	6m	7y	7y	6m	9y
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68-	75-	82-	89-	96-	102-	130-	144-	171-	198-
X	3y	3y	6m	4y	4y	6m	5y	5y	6m	8y
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41-	48-	54-	61-	68-	75-	102-	116-	144-	171-
V	12y	2y	6m	3y	3y	6m	4y	4y	6m	6y
H										
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27-	34-	41-	48-	54-	61-	89-	102-	116-	144-
V	18m	2y	2y	6m	3y	3y	6m	4y	5y	6m
f										
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20-	27-	34-	41-	48-	54-	75-	89-	102-	116-
V	13m	18m	2y	2y	6m	3y	3y	6m	4y	5y
	12-	15-	21-	26-	31-	36-	46-	57-	67-	77-
	14-	20-	27-	34-	41-	48-	61-	75-	89-	102-
V	9m	13m	15m	18m	2y	2m	3y	2m	4y	5y
	6-	12-	13-	15-	22-	33-	41-	51-	62-	72-
	12-	14-	17-	20-	29-	43-	54-	68-	82-	96-
V	6m	9m	13m	15m	18m	2y	2m	3y	2m	4y
	3-	6-	12-	13-	15-	22-	33-	43-	53-	63-
	9-	12-	14-	17-	20-	29-	43-	57-	70-	84-

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H	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+	17-	22-	33-	43-	51-
	3-	8-	12	12	16	22	29	43	57	68
H		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+	14-	17-	22-	33-	43-
Days	6-	9-	12	14	18	22	29	43	57	
f			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+	14-	17-	22-
Days	Days	5-	6-	8-	12	14-	18	22	29))	

IX	29-	34-	38-	43-	48-	53-	72-	83-	102-	108-	108-
	43	50	57	64	71	79	107	120	150	192	270
V	120-	24-	29-	34-	38-	43-	63-	72-	83-	90-	90-
II											
	28	36	43	50	57	64	93	107	120	162	225
V	114-	20-	24-	29-	34-	38-	53-	63-	72-	72-	72-
I											
	21	28	36	43	50	57	79	93	107	131	180
VI	10+	14-	20-	24-	29-	34-	43-	53-	63-	64-	64-
	16	21	28	36	43	50	64	79	93	115	157
V	6-	10	+12+	14-	21-	31-	38-	48-	58-	61-	61-
	12	16	18	21	30	45	57	71	86	107	120
IV	3-	6-	10	+12+	14-	21-	31-	43-	49-	52-	52-
	9	12	16	18	21	30	45	57	74	95	120
III	1-	3-	4-	9-	11-	16-	21-	31-	40-	43-	43-
	3	8	12	12	17	23	30	45	60	76	120
II	0-90	2-	3-	4-	10	+13-	16-	21-	31-	36-	36-
Days	6	9	12	16	19	23	30	45	64	120	
I	0-60	0-90	2-	2-	3-	4-	10	+13-	16-	17-	17-
Days	Days	5	6	8	12	16	19	23	34	60	

TABLE 1

Sentencing Grid

SERIOUSNESS LEVEL	OFFENDER SCORE										
	0	1	2	3	4	5	6	7	8	9	10 or more
X VI	Life Sentence without Parole/Death Penalty										
X V	225-	233-	243-	262-	272-	289-	289-	315-	345-	383-	383-
	335	350	365	370	383	390	439	473	518	576	862
X II	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-	298-
	220	234	244	254	265	275	295	316	357	397	595
X II	115-	125-	134-	144-	154-	163-	182-	201-	242-	277-	277-
	172	187	202	215	230	245	273	301	357	418	624
X I	188-	95-	103-	112-	120-	128-	151-	166-	196-	222-	222-
	128	143	155	168	180	194	227	248	290	336	500
XI	73-	80-	88-	95-	108-	112-	136-	148-	173-	196-	196-
	107	120	132	143	150	166	204	222	257	294	442
X	48-	53-	58-	63-	68-	72-	96-	102-	120-	127-	127-
	71	79	86	93	100	107	132	150	180	220	312

Numbers in the first and second horizontal rows of each seriousness category ((represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows)) represent standard sentence ranges in months, or in days if so designated. 12 + equals one year and one day. 10+ equals ten months and one day. Sec. 2. RCW 9.94A.535 and 2005 c 68 s 3 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

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(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The offender score due to other current offenses, as opposed to prior offenses, results in a presumptive sentence that is clearly excessive.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

~~((a))~~ The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

~~((b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.~~

~~(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.~~

~~(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.)~~

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

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(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(aa) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(bb) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

Sec. 3. RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts. A jury may be empaneled to find aggravating facts if the defendant pleads guilty to the underlying crime but not to the aggravating factor.

(3) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

(4) If the court conducts a separate proceeding to determine the existence of aggravating circumstances, the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

(5) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of

an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

(6) If the defendant enters a guilty plea to the charged crime or the case is remanded for a new sentencing hearing, the court may empanel a jury for the purpose of considering any aggravating circumstances alleged by the state. The trial on the aggravating circumstances should occur within ninety days of the entry of the guilty plea, or the filing of an appellate court mandate. Upon a showing of good cause, the court may extend the time for the trial on aggravating circumstances. The time limit for holding a sentencing hearing, set forth in RCW 9.94A.500, shall not begin to run until the jury renders a verdict on the aggravating circumstances.

Sec. 4. RCW 9.94A.190 and 2001 2nd sp.s. c 12 s 313 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year, or a sentence set under RCW 9.94A.510 based on a sentence range with a minimum sentence of more than ten months, shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided in this subsection or subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.712 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 5. RCW 9.94A.850 and 2005 c 282 s 19 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

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(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

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(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than ~~(seventy-five)~~ sixty percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range and except that for any offense with an offender score of ten or more, the minimum term in the range shall be no less than twenty-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

NEW SECTION. Sec. 6. (1) Savings to the state general fund resulting from reductions in sentencing as a result of sections 1 and 5 of this act, shall be deposited in the criminal justice treatment account. All moneys deposited pursuant to this act shall be appropriated to the division of alcohol and substance abuse for distribution pursuant to RCW 70.96A.350(5).

(2) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

NEW SECTION. Sec. 7. It is the intent of the legislature to restore the ability to impose an aggravated sentence lost by the superior court as a result of the decision of the United States supreme court in *Blakely v. State of Washington*, 542 U.S. 296 (2004). The legislature finds that as the seriousness level of the crime and the criminal history of the offender increase, the need for an individualized and informed assessment of the circumstances of the crime, the offender, and the victim, by the judiciary, is necessary for justice to be obtained. The legislature further finds that the exercise of the judiciary's sentencing discretion over a broader range based upon the assessment of these circumstances is consistent with the policies supporting Washington's sentencing reform act.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

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(1) For offenders convicted of a violent offense, the upper limit of the standard sentencing range shall be advisory only. However, without limiting the sentencing discretion of the judge, in cases in which the prosecutor seeks a sentence above the standard range, the prosecutor must assert a statutory aggravating factor. Notwithstanding any other law, the maximum sentence that a court may impose for a violent offense where the lower limit of the standard sentencing range is more than twelve months is the maximum sentence for the current offense under chapter 9A.20 RCW, or twice the upper limit of the standard sentencing range, whichever is less; the maximum sentence that a court may impose for all other violent offenses is twice the upper limit of the standard range or twelve months, whichever is less. This provision shall not apply to any offender sentenced under RCW 9.94A.712.

(2) In making its determination of the sentence length to be imposed, the court shall consider the risk assessment prepared by the department of corrections, if any, the presentence report, if any, and other materials provided by the offender, and any information provided by the victim or victims of the crime. Nothing in this section requires the department of corrections to prepare a risk assessment or presentence report prior to sentencing.

(3) A sentence imposed under this section shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. The sentence may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(4) Nothing in this section prohibits an aggravated exceptional sentence from being imposed on an offender under RCW 9.94A.535 or 9.94A.537 up to the statutory maximum sentence as defined in RCW 9.94A.030.

Sec. 9. RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons, if any, for going either above or below the presumptive or advisory sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

- (a) Any violent offense as defined in this chapter;
- (b) Any most serious offense as defined in this chapter;
- (c) Any felony with any deadly weapon special verdict under RCW 9.94A.602;
- (d) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both; and/or
- (e) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard ~~((or))~~, presumptive, or advisory sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.515 or 9.94A.518, offender score as defined in RCW 9.94A.525, and any applicable deadly weapon enhancements as defined in RCW

9.94A.533 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard ~~((or))~~, presumptive, or advisory sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the standard, presumptive, or advisory sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

NEW SECTION. Sec. 10. 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."

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.510, 9.94A.535, 9.94A.537, 9.94A.190, 9.94A.850, and 9.94A.480; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties."

WITHDRAWAL OF AMENDMENT

On motion of Senator Johnson, the striking amendment by Senators Johnson and Thibaudeau to Second Substitute Senate Bill No. 6497 was withdrawn.

MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute Senate Bill No. 6497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6497.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6497 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 32

Voting nay: Senators Benson, Benton, Carrell, Delvin, Esser, Honeyford, Mulliken, Parlette, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 15

Excused: Senators Deccio and Oke - 2

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SECOND SUBSTITUTE SENATE BILL NO. 6497, 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. 6885, by Senators Kohl-Welles, McAuliffe, Thibaudeau, Keiser and Fairley

Modifying unemployment insurance provisions.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6885 was substituted for Senate Bill No. 6885 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 8, after line 29, strike all of subsections (B) and (C) and insert the following:

"(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not ~~((result in a -))~~ reduce the flat social cost factor ~~((that is more than two-tenths lower than the -))~~ below the calculation under (b)(i)(A) of this subsection for that rate year by more than:

(I) Two-tenths, if the balance in the unemployment compensation fund will provide benefits for more than ten months but less than twelve months;

(II) Three-tenths, if the balance in the unemployment compensation fund will provide benefits for at least twelve months but less than fourteen months; or

(III) Four-tenths, if the balance in the unemployment compensation fund will provide benefits for fourteen months or more.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if (b)(i)(B)(II) of this subsection applies, the minimum shall be fifty-five one-hundredths of one percent, and if (b)(i)(B)(III) of this subsection applies, the minimum shall be five-tenths of one percent."

On page 10, starting on line 29, after "through" strike

"June" and insert "December"

On page 10, starting on line 30, strike "30, ((2007)) 2006" and insert "2007" On page 11, line 4, after "quarters" insert ".and dividing the amount by four"

On page 11, at the beginning of line 20, strike "four" and insert "sixteen"

On page 11, line 22, after "date" insert ". divided by four"

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 Senator Kohl-Welles on page 8, line 29 to Substitute Senate Bill No. 6885.

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Doumit and Berkey be adopted.

On page 18, after line 31 insert the following:

"Sec. 8. RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each amended to read as follows:

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

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(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) He or she ~~(A)~~ left work to relocate for the spouse's employment that, due to a mandatory military transfer ~~(B)~~ is outside the existing labor market area; and ~~(C) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (D)~~ he or she remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs."

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

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, Doumit and Berkey on page 18, line 31 to Substitute Senate Bill No. 6885.

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

MOTION

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On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6885 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Brown and Doumit spoke in favor of passage of the bill.

Senators Parlette, Finkbeiner, Honeyford and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6885.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6885 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

Voting nay: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Haugen, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Excused: Senators Deccio and Oke - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, 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, Engrossed Substitute Senate Bill No. 6885 was immediately transmitted to the House of Representatives.

MOTION

At 9:40 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, February 14, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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