

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 1, 2006

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

The flag was escorted to the rostrum by the Boy Scouts of Washington State. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The Chamber observed a moment of silence in honor of Coretta Scott King. Prayer was offered by Pastor Mike Fogaras, North Thurston Life Center of the Assemblies of God.

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

The Speaker (Representative Lovick presiding) introduced the Washington Dairy Ambassador Megan Warner who addressed the Chamber. The Speaker (Representative Lovick presiding) recognized the members and staff of the Washington State Dairy Women, Washington Dairy Products Commission Board, and Washington State Dairy Federation.

**RESOLUTION**

HOUSE FLOOR RESOLUTION NO. 2006-4680, by Representatives DeBolt and Hankins

WHEREAS, There are over 210 local Chambers of Commerce in the state of Washington representing approximately 60,000 small businesses and employing over 2,900,000 citizens; and

WHEREAS, Washington State Chambers raise over 30,000,000 dollars annually for local community enrichment projects, involving more than 15,000 volunteers who generously give their time and talent; and

WHEREAS, Washington State Chambers manage more than 3,000,000 visitor and relocation inquiries each year, and at the same time serve over 40,000 businesses that seek information about expanding their companies in our state; and

WHEREAS, Chambers of Commerce across Washington state have served their local communities with distinction, dedication, and dignity, enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives officially recognize the invaluable work that local Chambers of Commerce provide to both the economy and citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the United States Chamber of Commerce in Washington, D.C.

Representative DeBolt moved the adoption of the resolution.

Representatives DeBolt and Clibborn spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4680 was adopted.

The Speaker (Representative Lovick presiding) recognized Fritz Hughes, President of the Washington Chamber of Commerce Executives and Executive Director of the Pullman Chamber of Commerce, and professional staff and volunteers from Chambers of Commerce from around the State.

The Speaker assumed the chair.

**INTRODUCTION & FIRST READING**

HB 3279 by Representative Sommers

AN ACT Relating to fund balance transfer for the state convention and trade center; amending RCW 67.40.040; adding a new section to chapter 67.40 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 3280 by Representatives Ericks, Strow, Sells, O'Brien, Simpson and Lovick

AN ACT Relating to including service credit transferred from the law enforcement officers' and fire fighters' retirement system plan 1 in the determination of eligibility for military service credit; and amending RCW 41.26.195.

Referred to Committee on Appropriations.

HB 3281 by Representatives Roach, Haler, Jarrett, Rodne, Nixon, McCune, Shabro and McDonald

AN ACT Relating to records in criminal investigations; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

HB 3282 by Representatives Eickmeyer, Green, Haigh, Appleton, Kilmer, O'Brien, Lantz, McCoy, Chase, Miloscia, Clibborn and Ormsby

AN ACT Relating to the Hood Canal aquatic rehabilitation account; reenacting and amending RCW 79.105.150; adding a new section to chapter 90.88 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Select Committee on Hood Canal.

HB 3283 by Representatives Hinkle and Woods

AN ACT Relating to biennial regular sessions of the legislature; amending RCW 44.04.010, 44.04.200, 34.05.610, 40.04.090, 44.55.020, and 47.01.071; and providing a contingent effective date.

Referred to Committee on State Government Operations & Accountability.

HB 3284 by Representatives Pettigrew, Santos, Newhouse, Ericks, Buri, Hasegawa, McCoy, Grant, Darneille, Hunt, Green, Haler, Williams, Simpson, Chase, O'Brien, Lantz, Kenney, Hunter, Hudgins, Moeller, Morrell and Conway

AN ACT Relating to creating an in-school holiday in honor of Rosa Parks; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 3285 by Representatives Conway, Chase, Morrell and Wood

AN ACT Relating to raising the exemption for charitable or nonprofit bingo organizations from the gambling tax on bingo and amusement games; and amending RCW 9.46.110.

Referred to Committee on Finance.

HB 3286 by Representatives Blake, Kessler, Buck, Takko, Orcutt and Conway

AN ACT Relating to tax incentives for persons who extract, manufacture, or process timber; amending RCW 82.04.230, 82.04.280, 82.04.280, and 82.04.440; amending 2003 c 149 s 12 (uncodified); reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Finance.

HB 3287 by Representatives Chase, Sump, Eickmeyer, McCoy, Walsh and Pearson

AN ACT Relating to studying nitrogen contributions from on-site sewage systems in Hood Canal; creating a new section; and making an appropriation.

Referred to Committee on Select Committee on Hood Canal.

HB 3288 by Representative Holmquist

AN ACT Relating to superior court penalty assessments; and amending RCW 7.68.035.

Referred to Committee on Criminal Justice & Corrections.

HB 3289 by Representatives Haigh and Alexander

AN ACT Relating to repayment of capital accounts from operating funds; amending RCW 43.135.035 and 43.135.035; adding a new section to chapter 43.155 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 3290 by Representatives Kessler and Blake

AN ACT Relating to business incentives for timber mills designated as forest products operations of statewide significance; amending RCW 43.157.010, 43.157.020, and 43.157.030; 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 36.70A RCW; adding a new section to chapter 36.32 RCW; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HJR 4226 by Representatives Hinkle and Woods

Authorizing a regular session of the legislature each odd-numbered year.

Referred to Committee on State Government Operations & Accountability.

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

## REPORTS OF STANDING COMMITTEES

January 30, 2006

HB 1361 Prime Sponsor, Representative Alexander: Modifying the disbursement of funds by air pollution control agencies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 1813 Prime Sponsor, Representative Williams: Increasing the term of nonvoter approved rural library district general obligation bonds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

EHB 2219 Prime Sponsor, Representative Hunt: Expanding eligibility for urban industrial land banks. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2334 Prime Sponsor, Representative Appleton: Modifying residential density requirements in fully incorporated island cities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan; Takko and Woods.

MINORITY recommendation: Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant

Ranking Minority Member; Passed to Committee on Rules for second reading.

January 27, 2006

HB 2404 Prime Sponsor, Representative Cody: Regulating retainer health care practices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2500 Prime Sponsor, Representative Green: Requiring health carriers to report certain information. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2540 Prime Sponsor, Representative Schual-Berke: Revising provisions addressing access to individual health insurance coverage. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2571 Prime Sponsor, Representative Morrell: Collecting health care services debt under the

homestead exemption. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2572 Prime Sponsor, Representative Morrell: Establishing the small employer health insurance partnership program. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

January 27, 2006

HB 2593 Prime Sponsor, Representative Appleton: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler and Orcutt.

Referred to Committee on Appropriations.

January 31, 2006

HB 2596 Prime Sponsor, Representative Kenney: Modifying provisions for the cosmetology apprenticeship program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2606 Prime Sponsor, Representative Curtis: Allowing volunteer fire fighter personnel to hold elective or appointed office. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2624 Prime Sponsor, Representative B. Sullivan: Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2627 Prime Sponsor, Representative B. Sullivan: Modifying provisions governing the sale of unneeded park land. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2630 Prime Sponsor, Representative Kenney: Creating the opportunity grant program. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

January 27, 2006

HB 2632 Prime Sponsor, Representative Darneille: Modifying human immunodeficiency virus insurance program provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

January 30, 2006

HB 2655 Prime Sponsor, Representative Takko: Modifying disbursement of the metropolitan park district fund. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2673 Prime Sponsor, Representative Linville: Providing tools for local infrastructure financing. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Skinner, Assistant Ranking Minority Member;

Appleton; Bailey; Blake; Clibborn; Dunn; Grant; Haler; Kilmer; McCoy; Morrell; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Signed by Representatives Kristiansen, Ranking Minority Member; Buri; Chase; Holmquist; Kretz and Newhouse.

Referred to Committee on Finance.

January 30, 2006

HB 2676 Prime Sponsor, Representative Linville: Posting interlocal agreements in an electronic format in lieu of filing with the county auditor. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2682 Prime Sponsor, Representative Conway: Setting contribution rates in the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Referred to Committee on Transportation.

January 30, 2006

HB 2687 Prime Sponsor, Representative Bailey: Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Conway;

Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2710 Prime Sponsor, Representative Buck: Clarifying the process for hydraulic permit appeals. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Uphergrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2718 Prime Sponsor, Representative Morris: Regulating manufactured home parks or manufactured housing communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2761 Prime Sponsor, Representative Springer: Expanding the types of property subject to seizure and forfeiture in money laundering provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2801 Prime Sponsor, Representative Chase: Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2833 Prime Sponsor, Representative Haigh: Adding members to the state board for volunteer fire fighters and reserve officers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2848 Prime Sponsor, Representative Lantz: Protecting confidentiality of domestic violence information. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2857 Prime Sponsor, Representative Kenney: Revising terms of appointment of student regents and trustees. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Roberts and Sommers.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2876 Prime Sponsor, Representative Ericksen: Clarifying procedures for sound and video recordings by law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2900 Prime Sponsor, Representative B. Sullivan: Regarding the issuance of checks by joint operating agencies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2960 Prime Sponsor, Representative Kessler: Determining rates for the rental of county equipment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2991 Prime Sponsor, Representative Darneille: Concerning background checks of metropolitan park district employees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3019 Prime Sponsor, Representative Haigh: Clarifying the role of a chief financial officer in a charter county. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3056 Prime Sponsor, Representative Takko: Allowing second class cities and towns to pay claims by check or warrant. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3134 Prime Sponsor, Representative Conway: Determining the amount of compensation for temporary or permanent total disability. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 3165 Prime Sponsor, Representative Miloscia: Using surplus property to develop affordable housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Referred to Committee on Capital Budget.

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

## SECOND READING

**HOUSE BILL NO. 2576, By Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway**

### Creating sexual assault protection orders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2576 was substituted for House Bill No. 2576 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2576 was read the second time.

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

Representatives Williams, Priest and Wallace spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2576.

## MOTION

On motion of Representative Clements, Representative Skinner was excused.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2576 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump,

Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2576, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3277, By Representatives O'Brien, Rodne, Kirby, Williams, Darneille, Sells, Kessler, Lovick, Ericks, Simpson, Kilmer, Lantz, Anderson, Takko, Green, Moeller, Campbell, Morris, Hunt, Conway and Fromhold**

### Authorizing special verdicts for specified sex offenses against children and vulnerable adults.

The bill was read the second time.

Representative Schindler moved the adoption of amendment (685):

On page 4, after line 19, insert:

"NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape in the first degree, the prosecuting attorney shall file a special allegation that the victim of the offense was under twelve years of age at the time of the offense whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the victim was under twelve years of age at the time of the offense.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was under twelve years of age at the time of the offense. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was under the age of twelve at the time of the offense. If no jury is had, the court shall make a finding of fact as to whether the victim was under the age of twelve at the time of the offense.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, line 6, after "greater." insert "If the offense that caused the offender to be sentenced under this section was rape in the first degree and there has been a finding that the victim was under the age of twelve at the time of the offense under section 4 of this act, the minimum term shall be life."

On page 8, line 25, after "greater." insert "If the offense that caused the offender to be sentenced under this section was rape in the first degree and there has been a finding that the victim was under the



age of twelve at the time of the offense under section 4 of this act, the minimum term shall be life."

On page 31, line 3, after "through" strike "4 and 6" and insert "5 and 7"

### POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (685) to House Bill No. 3277.

### SPEAKER'S RULING

Mr. Speaker: "The title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

As noted, the title specifies the minimum sentence to be imposed for certain sex offenses. Amendment (685) would impose a different minimum sentence and therefore is beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Ericksen moved the adoption of amendment (683):

On page 30, after line 34, insert:

"Sec. 8. RCW 9.94A.670 and 2004 c 176 s 4 are each amended to read as follows:

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

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

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

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

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

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

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

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

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

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

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

(g) The immediate victim or immediate victim's family agrees to the sentence imposed under this section.

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

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

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

(ii) The offender's offense history;

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

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

(v) Other evaluation measures used.

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

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

(i) Frequency and type of contact between offender and therapist;

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

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

(iv) Anticipated length of treatment; and

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

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

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the

victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

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

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

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

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

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

(a) Crime-related prohibitions;

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

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

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

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

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

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

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

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

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

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

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

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

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

during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and

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

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

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 31, line 3, after "4" strike "and 6" and insert ", 6, and 8"

Correct the title.

**POINT OF ORDER**

Representative Hunt requested a scope and object ruling on the amendment (683) to House Bill No. 3277.

**SPEAKER'S RULING**

Mr. Speaker: "The title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

Amendment (683) relates to the special sex offender sentencing alternative, a subject not contemplated in the title or addressed in the substantive content of the bill.

The Speaker therefore finds the amendment is beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Ahern moved the adoption of amendment (684):

On page 30, after line 34, insert:

"Sec. 8. RCW 9.94A.670 and 2004 c 176 s 4 are each amended to read as follows:

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

(a) "Family member" means a relative by blood, marriage, or adoption, or a foster parent.

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

~~(c)~~ "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

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

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

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

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

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

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

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

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

(g) The offender was the immediate victim's family member.

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

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

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

(ii) The offender's offense history;

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

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

(v) Other evaluation measures used.

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

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A

proposed treatment plan shall be provided and shall include, at a minimum:

- (i) Frequency and type of contact between offender and therapist;
  - (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
  - (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
  - (iv) Anticipated length of treatment; and
  - (v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.
- (c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

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

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

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

(c) The court shall order treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if

available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

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

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

- (a) Crime-related prohibitions;
  - (b) Require the offender to devote time to a specific employment or occupation;
  - (c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
  - (d) Require the offender to report as directed to the court and a community corrections officer;
  - (e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;
  - (f) Require the offender to perform community restitution work;
- or
- (g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

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

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

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

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under

subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

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

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

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

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and

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

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

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 31, line 3, after "4" strike "and 6" and insert ", 6, and 8"

Correct the title.

## POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (684) to House Bill No. 3277.

## SPEAKER'S RULING

The Speaker: "The title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

Amendment (687) relates to reporting of unregistered offenders, a topic completely outside the scope and object of the sentencing bill before us.

Representative Hunt, your point of order is well taken."

Representative Alexander moved the adoption of amendment (687):

On page 30, after line 34, insert:

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

(1) A public employee who, in the course of his or her employment, becomes aware that a person is not in compliance with RCW 9A.44.130 shall report the person's non-compliance to the appropriate law enforcement official within five working days of discovering the person's non-compliance.

(2) Failure to meet the requirements of subsection (1) of this section is a misdemeanor.

(3) For purposes of this section:

(a) "Public employee" means a full-time or part-time employee of the state or one of its political subdivisions.

(b) "Appropriate law enforcement official" means the sheriff of the county where the person in non-compliance with RCW 9A.33.130 resides, if the person's residence is known to the public employee. If the person's residence is not known to the public employee, "appropriate law enforcement official" means the sheriff of the county of the public employee's residence."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 31, line 3, after "4" strike "and 6" and insert ", 6, and 8"

Correct the title."

## POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (687) to House Bill No. 3277.

**SPEAKER'S RULING**

Mr. Speaker: "The title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

Amendment (687) relates to reporting of unregistered offenders, a topic completely outside the scope and object of the sentencing bill before us.

Representative Hunt, your point of order is well taken."

Representative Ericksen moved that House Rule 11g be suspended so that a title amendment may be offered to House Bill No. 3277.

Representative Ericksen spoke in favor of adoption of the motion.

Representative Kessler spoke against adoption of the motion.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the motion to suspend House Rule 11g and the motion failed the House by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump, Talcott, Tom, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 53.

Excused: Representative Skinner - 1.

The motion, having not received the constitutional majority, was declared failed.

With the consent of the House, amendment (686) was withdrawn.

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

Representatives O'Brien, Pearson and Kirby spoke in favor of passage of the bill.

**POINT OF ORDER**

Representative Ericksen: "Mr. Speaker, I do not believe the current speaker is speaking to the bill in front of us."

**SPEAKER'S RULING**

Mr. Speaker: "For all persons who plan to speak on this issue, please keep that in mind to speak to the bill before us."

Representative Kirby (again) spoke in favor of passage of the bill.

**POINT OF ORDER**

Representative Sump: "Mr. Speaker, the speaker is disregarding your ruling. Thank you, sir."

**SPEAKER'S RULING**

Mr. Speaker: "Representative Kirby, please continue your remarks."

Representatives Kirby (again), Rodne and Ahern spoke in favor of passage of the bill.

**SPEAKER'S RULING**

Mr. Speaker: "Representative Ahern, I have given you lots of latitude – you've mentioned Oprah two or three times but can you focus in on the bill at hand, please."

Representatives Ahern (again), Shabro, Williams, Ericksen, Ericks, DeBolt and Wallace spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3277.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 3277 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 3277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3252, By Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams and Hasegawa**

**Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.**

The bill was read the second time.

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

Representatives O'Brien, Pearson and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3252.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 3252 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 3252, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3238, By Representatives Simpson, Lantz, Wallace, Morrell, Kilmer, Green, Springer, Dunshee, P. Sullivan, Quall, B. Sullivan, Grant, Appleton, Williams, Darneille, O'Brien, Haler, Clibborn, Hunt, Lovick, Hasegawa, McDermott, Rodne, Moeller, Kessler, Strow, Fromhold, Sells and Ericks**

**Prohibiting the distribution of false sex offender notifications.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3238 was substituted for House Bill No. 3238 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3238 was read the second time.

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

Representative Simpson spoke in favor of passage of the bill.

#### **POINT OF ORDER**

Representative Ericksen: "Mr. Speaker, the comments are not germane to the bill in front of us."

#### **SPEAKER'S RULING**

Mr. Speaker: "The Speaker believes that the speaker is appropriately speaking to the matter of the bill."

Representative Simpson (again) spoke in favor of passage of the bill.

#### **POINT OF ORDER**

Representative Armstrong: "We do not believe that the speaker is talking to this bill because under this bill these

postcards probably would be legal. Could you have the speaker please talk to the bill?"

#### **SPEAKER'S RULING**

Mr. Speaker: "That particular point is a matter of debate but please conclude your remarks, Representative Simpson on the matter at hand."

Representative Simpson (again) spoke in favor of passage of the bill.

#### **POINT OF ORDER**

Representative Anderson: "Mr. Speaker, the current speaker is impugning the members of the body."

#### **SPEAKER'S RULING**

Mr. Speaker: "Representative Simpson, please conclude your remarks. We need to move on for the day."

Representative Simpson (again) spoke in favor of passage of the bill.

#### **POINT OF ORDER**

Representative Anderson: "Mr. Speaker, once again the member would appear to be impugning the members of the body."

Representative Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3238.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 3238 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump,

Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 3238, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 2, 2006, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk



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SPEAKER OF THE HOUSE

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