

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 5, 2009

BARBARA BAKER, Chief Clerk

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Brown.

The Sergeant at Arms Color Guard consisting of Pages Victoria Cleveland and Peter Nelson, presented the Colors. Reverend Marty Johnson of Spanaway Christian Center offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED HOUSE BILL NO. 1227,
 ENGROSSED HOUSE BILL NO. 1464,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
 ENGROSSED HOUSE BILL NO. 2044,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1152,
 HOUSE BILL NO. 1195,
 SUBSTITUTE HOUSE BILL NO. 1239,
 SUBSTITUTE HOUSE BILL NO. 1250,
 HOUSE BILL NO. 1456,
 HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1536,
 SUBSTITUTE HOUSE BILL NO. 1552,
 SUBSTITUTE HOUSE BILL NO. 1595,
 SUBSTITUTE HOUSE BILL NO. 1740,
 SUBSTITUTE HOUSE BILL NO. 1812,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1856,
 SUBSTITUTE HOUSE BILL NO. 1869,
 HOUSE BILL NO. 1880,
 SUBSTITUTE HOUSE BILL NO. 1898,
 SUBSTITUTE HOUSE BILL NO. 1984,
 HOUSE BILL NO. 2014,
 HOUSE BILL NO. 2129,
 HOUSE BILL NO. 2142,
 and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The Speaker has signed the following:
 SUBSTITUTE HOUSE BILL NO. 2061,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6117 by Senators Brown and McAuliffe

AN ACT Relating to aerospace competitiveness.

Referred to Committee on Ways & Means.

SB 6118 by Senator Tom

AN ACT Relating to lodging taxes for, and certain transfers from, the state convention and trade center account; amending RCW 67.40.045, 67.40.107, 67.40.170, 67.40.190, and 67.28.181; reenacting and amending RCW 67.40.040; adding a new section to chapter 67.40 RCW; repealing RCW 67.40.130 and 67.40.140; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6119 by Senator Tom

AN ACT Relating to limiting the discount of purchases of spirits by licensees; and amending RCW 66.24.440 and 66.08.220.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1008 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Upthegrove, Seaquist and Morrell)

AN ACT Relating to small wind permitting standards; and adding a new chapter to Title 70 RCW.

Referred to Committee on Environment, Water & Energy.

SHB 1011 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Hasegawa, Kagi, Darnelle, Upthegrove, Hudgins and Moeller)

AN ACT Relating to regulating the use of identification devices; amending RCW 19.300.010; adding new sections to chapter 19.300 RCW; and creating a new section.

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Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1018 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta)

AN ACT Relating to modifying the dates on which a special election may be held; and amending RCW 29A.04.321 and 29A.04.330.

Referred to Committee on Government Operations & Elections.

SHB 1022 by House Committee on Judiciary (originally sponsored by Representatives Williams, Warnick, Kelley, Rodne, Dickerson and Moeller)

AN ACT Relating to statutory costs; amending RCW 4.84.010 and 12.20.060; and adding a new section to chapter 4.84 RCW.

Referred to Committee on Judiciary.

2SHB 1052 by House Committee on General Government Appropriations (originally sponsored by Representatives Moeller, Williams, Blake, Chase and Kretz)

AN ACT Relating to firearm licenses for persons from different countries; amending RCW 9.41.070, 9.41.097, and 9.41.0975; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.170; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1080 by Representatives Simpson and Williams

AN ACT Relating to allowing impact fees to be used for all fire protection facilities; and amending RCW 82.02.090.

Referred to Committee on Government Operations & Elections.

ESHB 1138 by House Committee on Judiciary (originally sponsored by Representatives Liias, Clibborn, Moeller, Green, Cody, Driscoll, Morrell and Pedersen)

AN ACT Relating to allowing persons with certain medical conditions to access the restroom in a retail establishment; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1166 by Representatives Hasegawa, Kenney, Simpson, Chase, Ormsby and Santos

AN ACT Relating to allowing loans to community development financial institutions under the linked deposit program; and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1215 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Chandler, Kirby, Ormsby and Morrell)

AN ACT Relating to modifying motor vehicle warranty provisions; amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.095, 19.118.120, and 19.118.160; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1225 by House Committee on Transportation (originally sponsored by Representatives Liias, Rodne, Upthegrove, Roach, Simpson and Rolfes)

AN ACT Relating to the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems; and amending RCW 82.38.080.

Referred to Committee on Transportation.

HB 1288 by Representatives Upthegrove, McCune, Simpson, Herrera, Newhouse, Armstrong, Roach, Quall, Orwall, Pettigrew, Bailey, Shea, Smith, Orcutt, Sullivan, Eddy, Johnson, Nelson, Ormsby, Kretz and Kristiansen

AN ACT Relating to exempting the annual parental declaration of intent to home school from the public disclosure act; and amending RCW 42.56.320.

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

SHB 1308 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Cody, Sells, Wood, Morrell, Kelley, Clibborn, Moeller, Pedersen, Hudgins, Ormsby, Parker, Chase, Kenney, Goodman, Bailey, Simpson, Herrera and Nelson)

AN ACT Relating to reducing organ transplant benefit waiting periods based upon prior creditable coverage; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

EHB 1311 by Representatives Kirby, Bailey, Morrell, Sullivan, Kenney, Simpson and Nelson

AN ACT Relating to reverse mortgage lending; amending RCW 31.04.015 and 31.04.115; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1319 by House Committee on Education (originally sponsored by Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley)

AN ACT Relating to the application of certain ethics provisions to school district employees; and adding a new section to chapter 28A.400 RCW.

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

ESHB 1326 by House Committee on Agriculture & Natural

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Resources (originally sponsored by Representatives Blake, Van De Wege, Kretz and Nelson)

Referred to Committee on Government Operations & Elections.

AN ACT Relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state; amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW.

HB 1527 by Representatives Kessler, Rolfes, Williams and Santos

AN ACT Relating to medicaid payment rates for boarding homes; and amending RCW 74.39A.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Ways & Means.

HB 1361 by Representatives Goodman, Rodne, Williams, Dickerson, Walsh, Kagi, Roberts, Pettigrew, O'Brien, Armstrong, Appleton, Ericks, Warnick, Haigh, Moeller, Rolfes, Carlyle, Wallace, Seaquist and Morrell

HB 1541 by Representatives Seaquist, Conway, Crouse and Simpson

AN ACT Relating to granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

AN ACT Relating to county supervised community options; and amending RCW 9.94A.680.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Ways & Means.

HB 1394 by Representatives White, Kenney, Wallace, Orwall, Carlyle, Anderson, Sells, Chase and Sullivan

AN ACT Relating to changing the timeline for the state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education & Workforce Development.

HB 1551 by Representatives Conway, Bailey, Crouse, Seaquist, Kenney, Simpson, Morrell and Ormsby

AN ACT Relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war; and amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520, 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250, 41.40.270, 41.40.700, and 41.40.835.

Referred to Committee on Ways & Means.

SHB 1397 by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Ericksen, Cody, Green, Hinkle, Morrell, Bailey, Williams, Nelson and Wood)

AN ACT Relating to the delegation of authority to registered nurses; and amending RCW 18.79.260.

Referred to Committee on Health & Long-Term Care.

HB 1562 by Representatives Liias, Priest, Quall, Sullivan, Kenney, Simpson, McCune and Ormsby

AN ACT Relating to graduation without a certificate of academic achievement or a certificate of individual achievement; amending RCW 28A.655.0611; and declaring an emergency.

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

SHB 1420 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Maxwell, Williams, Chandler, Wood, Hinkle and Kelley)

AN ACT Relating to real estate seller disclosure; and amending RCW 64.06.005, 64.06.010, 64.06.015, 64.06.020, and 64.06.040.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1564 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Rodne, Kirby, Kelley, Roach, Williams, Hasegawa, Simpson and Nelson)

AN ACT Relating to flood insurance coverage; and adding a new section to chapter 48.27 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1510 by House Committee on Health Care & Wellness (originally sponsored by Representatives Ross, Klippert and Johnson)

AN ACT Relating to the disclosure of confidential information on birth certificates; and amending RCW 70.58.055.

Referred to Committee on Health & Long-Term Care.

EHB 1566 by Representatives Kirby, Williams and Simpson

AN ACT Relating to granting the insurance commissioner certain authority when the governor declares a state of emergency; and amending RCW 48.02.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1513 by Representative Haler

AN ACT Relating to municipal participation in financing the construction of water or sewer facilities; and amending RCW 35.91.020.

HB 1569 by Representatives Liias, O'Brien, Hope, Sells, Dunshee, Kagi, McCoy, Morrell and Ormsby

AN ACT Relating to establishing local public works assistance funds; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations & Elections.

HB 1596 by Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson

AN ACT Relating to protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement; amending RCW 49.60.030 and 49.60.215.

Referred to Committee on Health & Long-Term Care.

ESHB 1619 by House Committee on Capital Budget (originally sponsored by Representatives White, Kenney, Sullivan, Carlyle, Nelson, Hasegawa, Liias, Green, Miloscia, Orwall, Maxwell and Simpson)

AN ACT Relating to use of capital projects funds by school districts; amending RCW 84.52.053; reenacting and amending RCW 28A.320.330; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1675 by Representatives Sells, Anderson, Wallace, Upthegrove and Kenney

AN ACT Relating to work experience as an entry requirement for the alternative route partnership grant program; and amending RCW 28A.660.040.

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

HB 1678 by Representatives Van De Wege, Simpson, Ericks, Williams, Kelley, Sells, Ross, Hope and Conway

AN ACT Relating to members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

HB 1717 by Representatives Clibborn, Armstrong, Wood, Warnick and Klippert

AN ACT Relating to extending the time period for a franchise agreement for a rail line over the Milwaukee Road corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; providing an effective date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

EHB 1728 by Representatives Takko, Haler, Ericks, Angel, Carlyle and Van De Wege

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

Referred to Committee on Government Operations & Elections.

HB 1757 by Representatives Haigh, Haler, Kessler, Takko, Hinkle, Sullivan, McCune, Hunter, Cox, Finn, Priest and Van De Wege

AN ACT Relating to establishing a small school district contingency fund; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Ways & Means.

HB 1789 by Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille

AN ACT Relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Human Services & Corrections.

ESHB 1794 by House Committee on Judiciary (originally sponsored by Representative Moeller)

AN ACT Relating to calculating child support; amending RCW 26.19.020, 26.19.065, 26.19.071, 26.19.075, and 26.19.080; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 1816 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins)

AN ACT Relating to changing provisions related to wireless phone numbers used by directory providers; amending RCW 19.250.030, 19.250.070, and 19.250.050; and repealing RCW 19.250.020 and 19.250.060.

Referred to Committee on Economic Development, Trade & Innovation.

EHB 1824 by Representatives Rodne, Quall, Anderson, Liias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan and Morrell

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

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

SHB 1825 by House Committee on Local Government & Housing (originally sponsored by Representatives Rodne and Anderson)

AN ACT Relating to identifying specific facilities planning requirements under the growth management act; and amending RCW 36.70A.110, 36.70A.210, and 36.70A.115.

Referred to Committee on Government Operations & Elections.

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HB 1826 by Representatives Rodne, Pedersen and Santos

AN ACT Relating to the proceeds from foreclosure sales; and amending RCW 61.12.150.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1831 by House Committee on Local Government & Housing (originally sponsored by Representatives Short, Williams, Johnson, Campbell, Blake, Warnick, McCune, Kretz and Kristiansen)

AN ACT Relating to the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town; adding a new section to chapter 35.10 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1841 by House Committee on Higher Education (originally sponsored by Representatives White, Warnick, Wallace, Angel, Sells, Hasegawa, Hinkle, Goodman, Lias, Ormsby, Anderson, Haigh, Sullivan, Haler, Priest, Morris, Kenney, Schmick, Hudgins and Conway)

AN ACT Relating to the modification of the governing boards of state colleges and universities; amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1844 by Representatives Moeller, Ericksen, Finn, Hudgins, Driscoll, Kelley and Morrell

AN ACT Relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards; and amending RCW 46.01.130.

Referred to Committee on Transportation.

EHB 1876 by Representatives McCune, Miloscia, Haler, Klippert, Campbell, Rodne, Schmick, O'Brien, Roach, Warnick, Short, Conway, Cox and Orcutt

AN ACT Relating to providing funds for disabled veterans through voluntary donations; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

HB 1888 by Representatives Springer and Angel

AN ACT Relating to repealing RCW 46.12.295; and repealing RCW 46.12.295.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1956 by House Committee on Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson)

AN ACT Relating to the housing of homeless persons on property owned or controlled by a church; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SHB 2013 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Green, Roach, Kirby, Warnick and Morrell)

AN ACT Relating to self-service storage specialty producers; amending RCW 48.14.010 and 48.17.170; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2035 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune, Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick and Angel)

AN ACT Relating to requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 2185 by Representatives McCoy and Chase

AN ACT Relating to encouraging the use of solar water heating systems by retail customers of light and power businesses and gas companies; and adding a new chapter to Title 80 RCW.

Referred to Committee on Environment, Water & Energy.

HB 2199 by Representatives Newhouse and Hudgins

AN ACT Relating to regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

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

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

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Senator Ranker moved that Gubernatorial Appointment No. 9047, Hannah M. Higgins, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF HANNAH M. HIGGINS

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9047, Hannah M. Higgins as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9047, Hannah M. Higgins as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Gubernatorial Appointment No. 9047, Hannah M. Higgins, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

MOTION

On motion of Senator Marr, Senator Brown was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9107, Phil Sharpe, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF PHIL SHARPE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9107, Phil Sharpe as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9107, Phil Sharpe as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

Gubernatorial Appointment No. 9107, Phil Sharpe, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Western Washington University.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9137, Peggy Zoro, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF PEGGY ZORO

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9137, Peggy Zoro as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9137, Peggy Zoro as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

Gubernatorial Appointment No. 9137, Peggy Zoro, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9131, Frederick Whang, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF FREDERICK WHANG

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9131, Frederick Whang as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9131, Frederick Whang as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

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Gubernatorial Appointment No. 9131, Frederick Whang, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9102, Joel Rupley, as a member of the Forest Practices Appeals Board, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF JOEL RUPLEY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9102, Joel Rupley as a member of the Forest Practices Appeals Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9102, Joel Rupley as a member of the Forest Practices Appeals Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

Gubernatorial Appointment No. 9102, Joel Rupley, having received the constitutional majority was declared confirmed as a member of the Forest Practices Appeals Board.

MOTION

On motion of Senator McCaslin, Senator Honeyford was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9133, Roy Wilkinson, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ROY WILKINSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9133, Roy Wilkinson as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9133, Roy Wilkinson as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

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Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Honeyford

Gubernatorial Appointment No. 9133, Roy Wilkinson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kauffman moved that Gubernatorial Appointment No. 9132, Patricia Whitefoot, as a member of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senator Kauffman spoke in favor of the motion.

APPOINTMENT OF PATRICIA WHITEFOOT

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9132, Patricia Whitefoot as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9132, Patricia Whitefoot as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Honeyford

Gubernatorial Appointment No. 9132, Patricia Whitefoot, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

MOTION

On motion of McDermott, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments en bloc and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Benton spoke against the motion.

Senator Benton withdrew his objection.

MOTION

Senator Marr moved the confirmations of Gubernatorial Appointments No. 9016, Scott Carson; Gubernatorial Appointment No. 9022; Harold Cochran; Gubernatorial Appointment No. 9023, Elizabeth Cowles; Gubernatorial Appointment No. 9034, Derick C. En'wezoh; Gubernatorial Appointment No. 9055, Laura Jennings and Gubernatorial Appointment No. 9116, Rafael Stone, as members, Board of Regents, Washington State University.

MOTION

On motion of Senator Hatfield, Senator Prentice was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr spoke in favor of the motion.

APPOINTMENT OF SCOTT CARSON

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9016, Scott Carson; Gubernatorial Appointment No. 9022, Harold Cochran; Gubernatorial Appointment No. 9023, Elizabeth Cowles; Gubernatorial Appointment No. 9034, Derick C. En'wezoh; Gubernatorial Appointment No. 9055, Laura Jennings; and Gubernatorial Appointment No. 9116, Rafael Stone, as members, Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9016, Scott Carson as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF HAROLD COCHRAN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9022, Harold Cochran as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF ELIZABETH COWLES

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9023, Elizabeth A. Cowles as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF DERICK C. EN'WEZOH

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9034, Derick C. En'wezoh as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF LAURA JENNINGS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9055, Laura Jennings as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF RAFAEL STONE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9116, Rafael Stone as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

Gubernatorial Appointment No. 9016, Scott Carson; Gubernatorial Appointment No. 9022, Harold Cochran; Gubernatorial Appointment No. 9023, Elizabeth Cowles; Gubernatorial Appointment No. 9034, Derick C. En'wezoh; Gubernatorial Appointment No. 9055, Laura Jennings; and Gubernatorial Appointment No. 9116, Rafael Stone, having received the constitutional majority were declared confirmed as members, Board of Regents, Washington State University.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9140, Connie Niva, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Berkey spoke in favor of the motion.

APPOINTMENT OF CONNIE NIVA

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No.

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9140, Connie Niva as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9140, Connie Niva as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senator Prentice

Gubernatorial Appointment No. 9140, Connie Niva, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

SECOND READING

SENATE BILL NO. 5212, by Senators Kilmer, Kline, McCaslin, Hewitt, Haugen, Shin and Becker

Modifying parenting plans based on the military service of a parent.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Prentice and Pridemore were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5212, 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. 5297, by Senators Kline and Delvin

Concerning the procedure for filing a declaration of completion of probate.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SENATE BILL NO. 5297, 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. 5369, by Senators Franklin, Becker, Fairley, Keiser, Marr, Murray, Kohl-Welles and Parlette

Regarding counseling professions subject to the authority of the secretary of health.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug,

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Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5369, 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. 5451, by Senators Oemig, Ranker, Rockefeller, Honeyford and Fraser

Changing the date for setting the amount of pipeline safety fees.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5451 was substituted for Senate Bill No. 5451 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Fairley and Jacobsen were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Jacobsen and Prentice

SUBSTITUTE SENATE BILL NO. 5451, 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. 5511, by Senators Prentice, Hobbs, Oemig and Shin

Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5511 was advanced to third reading, the second

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

Senator Tom spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Jacobsen and Prentice

SENATE BILL NO. 5511, 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 Delvin, Senator Brandland was excused.

SECOND READING

SENATE BILL NO. 5211, by Senators Sheldon, Roach, Fairley, McDermott, Parlette, Haugen, Shin and Benton

Prohibiting false and defamatory statements about candidates for public office.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Kline

Absent: Senator Brown

Excused: Senators Fairley, Jacobsen and Prentice

SENATE BILL NO. 5211, 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.

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MOTION

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

MOTION

Senator Jarrett moved adoption of the following resolution:

SENATE RESOLUTION
8640

By Senator Jarrett

WHEREAS, The greater Seattle area is home to over 45 video game companies, making the video game industry in Washington one of the largest in the nation; and

WHEREAS, Jerry Holkins, a comic writer, and Mike Krahulik, a cartoonist and artist, both originally from Spokane, Washington, collaborated to create an online comic about video games called Penny Arcade in the fall of 1998; and

WHEREAS, Jerry Holkins and Mike Krahulik recently celebrated the comic's 10th anniversary; and

WHEREAS, In 2004, Jerry Holkins and Mike Krahulik launched the first annual Penny Arcade Expo, a gaming festival in Bellevue, Washington; and

WHEREAS, By 2008, the Penny Arcade Expo has grown to become the largest game convention in the United States, with over 58,500 video game enthusiasts attending the Penny Arcade Expo at the Washington State Convention and Trade Center in August 2008; and

WHEREAS, The Penny Arcade Expo attracts thousands of tourists from around the globe to visit the city of Seattle while attending the convention, and has served to further reinforce Seattle's status as a leading locale of the game industry; and

WHEREAS, In 2003, Jerry Holkins and Mike Krahulik created the Child's Play Charity, an organization which raises contributions of money and toys to donate to Children's Hospitals worldwide; and

WHEREAS, Child's Play Charity has raised over 4.5 million dollars for sixty different Children's Hospitals since it was established, including Washington's own Seattle Children's and Sacred Heart Children's Hospitals;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the accomplishments of Jerry Holkins and Mike Krahulik in becoming widely accepted leaders in the computer and video game industries, encouraging industry growth through scholarships, and advancing Washington State as a hub of the gaming industry through the presence of Penny Arcade Expo; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor Jerry Holkins and Mike Krahulik for their hard work and dedication to improving the lives of hospitalized children worldwide through their creation and continued work with Child's Play Charity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Jerry Holkins and Mike Krahulik.

Senators Jarrett and Pflug spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced representatives of the Child's Play charity who were seated in

the gallery.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President has signed:
SUBSTITUTE HOUSE BILL NO. 2061,

MOTION

At 1:30 p.m., on motion of Senator Eide, the Senate was at ease subject to the call of the President.

The Senate was called to order at 2:59 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. 5131, by Senators Delvin, Hargrove, Brandland and Regala

Concerning crisis referral services for criminal justice and correctional personnel.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5131 was substituted for Senate Bill No. 5131 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin 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. 5131.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senators Brown, Haugen, Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority, was declared passed. There being no

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

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Eide, Senators Brown, Haugen and Tom were excused.

SECOND READING

SENATE BILL NO. 5344, by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer

Providing an emergency response system for the Strait of Juan de Fuca. Revised for 1st Substitute: Concerning emergency response towing vessels.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 5344 was substituted for Senate Bill No. 5344 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the northern coast of the Olympic Peninsula and Washington's west coast from Cape Flattery south to Cape Disappointment:

(a) Possess uniquely rich and highly vulnerable biological, marine, and cultural resources supporting some of the nation's most valuable commercial, sport, and tribal fisheries;

(b) Sustain endangered species and numerous species of vulnerable marine mammals; and

(c) Are internationally recognized through extraordinary designations including a world heritage site, a national park, a national marine sanctuary, national wildlife refuges, a maritime area off-limits to shipping, and tribal lands and fishing areas of federally recognized coastal Indian tribes.

(2) The legislature further finds that these coasts are periodically beset by severe storms with dangerously high seas and by strong currents, obscuring fog, and other conditions that imperil vessels and crews. When vessels suffer damage or founder, the coasts are likewise imperiled, particularly if oil is spilled into coastal waters. Oil spills pose great potential risks to treasured resources.

(3) The legislature further finds that Washington has maintained an emergency response tug at Neah Bay since 1999 to protect state waters from maritime casualties and resulting oil spills. The tug is necessary because of peculiarities of local waters that call for special precautionary measures. The tug has demonstrated its necessity and capability by responding to forty-one vessels in need of assistance. State funding for the tug is scheduled to end on June 30, 2009.

(4) The legislature intends that the maritime industry should provide and fully fund at least one year-round emergency response tug at Neah Bay, with necessary logistical and operational support, and that any tug provided by the maritime industry pursuant to this act should meet or exceed technical performance requirements specified in the state's fiscal year 2009 contract for the Neah Bay emergency response tug.

NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW to read as follows:

(1) The owner or operator of a covered vessel that is subject

to requirements specified in RCW 88.46.130 must provide at least one emergency response towing vessel that must be:

(a) Stationed at Neah Bay; and

(b) Continuously available and capable of responding to any vessel emergency, including but not limited to:

(i) Loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, or seakeeping capability;

(ii) Hull breach; or

(iii) Oil spill.

(2) An emergency response towing vessel must be capable of:

(a) Deploying at any hour of any day to provide emergency assistance;

(b) Being underway within twenty minutes of a decision to deploy, with adequate crew to safely remain underway for at least forty-eight hours;

(c) Effectively employing a ship anchor chain recovery hook and line throwing gun;

(d) A bollard pull of at least seventy short tons; and

(e) Effectively operating in severe weather conditions with sustained winds measured at forty knots and wave heights of twelve to eighteen feet, including:

(i) Holding position within one hundred feet of another vessel; and

(ii) Making up to, stopping, holding, and towing a drifting or disabled vessel of one hundred eighty thousand metric dead weight tons.

(3) An emergency response towing vessel must be equipped with:

(a) A ship anchor chain recovery hook;

(b) A line throwing gun; and

(c) Appropriate equipment for:

(i) Damage control patching;

(ii) Vessel dewatering;

(iii) Air safety monitoring; and

(iv) Digital photography.

(4) The requirements of this section may be fulfilled by a private organization or nonprofit cooperative providing umbrella coverage under contract to a single or multiple covered vessels. If a nonprofit cooperative is formed or used to meet the requirements of this section, it shall equitably apportion costs to each participating covered vessel based on risk associated with particular classes of covered vessels, navigational and structural characteristics of covered vessels, and the number of covered vessel transits to or from a Washington port through the Strait of Juan de Fuca, as defined in RCW 88.46.130(5), except for transits extending no further west than Race Rocks.

(5) The department is authorized to contract with an emergency response towing vessel provided under this section. Any use by the department must be paid by the department.

(6) An owner or operator of a covered vessel that is required to provide an emergency response towing vessel may not restrict the emergency response towing vessel from responding to noncovered vessels in distress.

(7) Nothing in this section prohibits the owner or operator of a covered vessel or a private organization or nonprofit cooperative from contracting with an emergency response towing vessel with capabilities exceeding requirements specified in this section.

NEW SECTION. Sec. 3. (1) The legislature finds that all sectors of the maritime industry have demonstrated the ability to cooperate in reducing risks of oil spills and in providing for comprehensive response actions when spills occur. Therefore, the legislature expects that owners or operators of covered vessels that are subject to requirements specified in RCW 88.46.130 will cooperate in sharing responsibility for the emergency response system and in equitably apportioning costs.

(2) The department of ecology shall monitor progress of the maritime industry in establishing and funding the emergency response system required by RCW 88.46.130. The department shall provide interim progress reports to appropriate standing committees in the senate and house of representatives by October 1, 2009, and again by December 1, 2009, the latter date coinciding with the deadline for contingency plans for covered

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vessels operating in the Strait of Juan de Fuca to provide for the emergency response system required by RCW 88.46.130.

(3) The department's reports required under subsection (2) of this section must describe the maritime industry's processes for ensuring that the emergency response system is established and funded by July 1, 2010, as required by RCW 88.46.130. The reports must provide available information regarding:

(a) The anticipated annual cost of providing the emergency response system;

(b) The methodology for determining the anticipated average annual cost for each class of covered vessel, including:

(i) A system for crediting enhanced navigational or structural characteristics;

(ii) Appropriate limits on total cost for vessels that frequently transit the Strait of Juan de Fuca, as defined in RCW 88.46.130(5), except for transits extending no further west than Race Rocks; and

(iii) Consideration of current economic conditions; and

(c) Any impediment to equitable apportionment of costs.

(4) As used in this section, "class of covered vessel" means:

(a) Oil tankers;

(b) Tank barges;

(c) Tug and oil barge combinations;

(d) Cargo vessels;

(e) Passenger vessels; and

(f) Other covered vessels.

(5) This section expires June 30, 2010.

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

As soon as practicable following return of an emergency response towing vessel after an incident necessitating a response, the covered vessel owner or operator or the contracting organization shall submit a report to the department. The report must provide a detailed description of the incident necessitating a response and actions taken to render assistance, and include high quality photographic documentation.

Sec. 5. RCW 88.46.068 and 2006 c 316 s 4 are each amended to read as follows:

(1) The department shall ~~((by rule))~~ adopt by rule procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans.

(2) In addition to reviewing and approving contingency plans required by RCW 88.46.060, the department shall also review and approve the emergency response system required by RCW 88.46.130. Adequacy of the system may be determined through practice drills, which may be conducted without prior notice. Successful responses to vessel emergencies may satisfy this requirement. Drills must test emergency response towing vessels' ability to respond to worst case scenarios.

(3) The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation.

(4) The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

Sec. 6. RCW 88.46.130 and 1991 c 200 s 426 are each amended to read as follows:

(1) By July 1, 2010, the owner or operator of a covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks, shall establish and fund an emergency response system ~~((for the Strait of Juan de Fuca shall be established by July 1, 1992. In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system))~~ providing at least one emergency response towing vessel stationed at Neah Bay.

(2) Any emergency response towing vessel provided under this section must:

(a) Be available to serve vessels in distress in the Strait of Juan de Fuca and off of the western coast of the state from Cape Flattery light south to Cape Disappointment light; and

(b) Meet the requirements specified in section 2 of this act.

(3) In addition to meeting requirements specified in RCW 88.46.060, contingency plans for covered vessels operating in the Strait of Juan de Fuca must provide for the emergency response system required by this section. Documents demonstrating compliance with this section must be submitted to the department by December 1, 2009. An initial contingency plan submitted to the department after December 1, 2009, must be accompanied by documents demonstrating compliance with this section.

(4) The requirements of this section are met if:

(a) Owners or operators of covered vessels provide at least one emergency response towing vessel that complies with subsection (2) of this section; or

(b) The United States government implements a system of protective measures that the department determines to be substantially equivalent.

(5) As used in this section, "Strait of Juan de Fuca" means waters off of the northern coast of the Olympic Peninsula, from Cape Flattery light east to New Dungeness light, terminating at a line extending from Discovery Island light south to New Dungeness light.

NEW SECTION. Sec. 7. (1) The director of the department of ecology, or the director's designee, shall initiate discussions with the director's counterpart in the government for the Canadian province of British Columbia to explore options for Washington and British Columbia to share marine emergency response assets required under this act.

(2) The department of ecology must report any progress or outcomes from discussions initiated under this section to appropriate committees of the legislature by January 1, 2011.

(3) This section expires July 31, 2011.

NEW SECTION. Sec. 8. 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."

Senator Ranker 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 Ranker to Substitute Senate Bill No. 5344.

The motion by Senator Ranker 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 "vessels;" strike the remainder of the title and insert "amending RCW 88.46.068 and 88.46.130; adding new sections to chapter 88.46 RCW; creating new sections; and providing expiration dates."

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 5344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Brandland and Hargrove spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Ranker yield to a question? Thank you Senator Ranker. I'm looking, I don't sit on the committee on which this bill, in which this bill was heard so

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when I'm looking at the effects of the changes, the amendment, it says language is deleted requiring that a rescue tug be capable of fighting fire, oil spill response and salvage functions. So, I'm wondering, you know why are we going to be spending money or someone else spending money on something that isn't going to fight fires, isn't going clean up any oil and has nothing to do with salvage functions? I just don't know, maybe you could enlighten us all? Thank you."

Senator Ranker: "Thank you for the question. I can try to enlighten you all. So, the original language talked about a tug that was much larger and had much more capabilities than the tug that we currently have out at the mouth of Neah Bay. It was pointed out to me and others who were in these discussions and I think appropriately so that the duties, for instance, Senator from the Thirty-first District, thank you, that fire duty responsibilities of the tug for instance. Many of those things are already under contingency planning rules for many of the industries that are out there so Coast Guard requires some of those things already. And the other thing is, that we need to keep in mind, this tug is not an oil spill response tug. This is an oil spill prevention tug. What this tug does is it goes out and if a boat is adrift and it will throw a line to it and make sure it doesn't go on the rocks. If there is a spill or a large fire there are other resources available to deal with those things and those are already required in most cases by federal statute."

POINT OF INQUIRY

Senator Kastama: "Would Senator Ranker yield to a question? Thank you Senator. Section three of the bill as amended provides for progress reports to the legislature, this fall regarding the maritime industries work to provide for the emergency response vessel that is required in this legislation. It requires a report by December 1 that, as stated in this legislation, is a date coinciding with the deadline for contingency plans to provide for the emergency response system is required in section six of this legislation. Does this mean they must have the tug contract in place by December 1?"

Senator Ranker: "Thank you very much for your question. Section three requires a progress by Department of Ecology on how the maritime industry will meet the requirements under this legislation. Under the legislation, the requirements are not effective until July 1, 2010. Section six of this legislation requires only that the maritime industries submit documents demonstrating compliance in an initial contingency plan submitted to Ecology by December 1, 2009. These documents are intended to demonstrate how the industry will ensure that the industry-funded tug will be on station by July 1, 2010 and not a date before then. So, in summary what this means is December 1, 2009 there will be a report back to the state saying what their plan is and how they will put this together and what they decided upon. That actual plan however will not need to be implemented until July 2010."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5344.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5344 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles,

Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Honeyford, Morton and Schoesler

Excused: Senator Hewitt

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344, 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. 5391, by Senators Kastama, Haugen, Fairley, Roach and Pflug

Regulating tattooing and body piercing. Revised for 1st Substitute: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5391 was substituted for Senate Bill No. 5391 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and King 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. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senator Hewitt

SUBSTITUTE SENATE BILL NO. 5391, 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. 5492, by Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin

Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5492 was advanced to third reading, the second

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

Senator Marr spoke in favor of passage of the bill.

Senators Delvin and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Hewitt

SENATE BILL NO. 5492, 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. 5326, by Senator Regala

Modifying juvenile sex and kidnapping offender registration provisions. Revised for 1st Substitute: Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

MOTION

On motion of Senator Regala, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 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 legislature finds that Jessica Lunsford, a nine-year old girl, was abducted from her bedroom at her grandparent's home in the middle of the night on February 23, 2005. A three-week long search was launched that gained Jessica the sympathy and heartfelt prayers of the nation. On March 18, 2005, police found Jessica's body buried in a shallow grave under the back porch of a home where she had been sexually assaulted, buried alive, and murdered. Therefore the legislature intends to enhance the penalties for, and monitoring of, sex offenders.

Sec. 2. RCW 10.95.020 and 2003 c 53 s 96 are each amended to read as follows:

A person is guilty of aggravated first degree murder, a class A felony, if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or fire fighter who was performing his or her official duties at the time of the act resulting in death and the victim was

known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

(6) The person committed the murder 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;

(7) The murder was committed during the course of or as a result of a shooting where the discharge of the firearm, as defined in RCW 9.41.010, is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge;

(8) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indeterminate sentence review board; or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

(9) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, including, but specifically not limited to, any attempt to avoid prosecution as a persistent offender as defined in RCW 9.94A.030;

(10) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

(11) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree or residential burglary;

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

(12) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim;

(13) At the time the person committed the murder, there existed a court order, issued in this or any other state, which prohibited the person from either contacting the victim, molesting the victim, or disturbing the peace of the victim, and the person had knowledge of the existence of that order;

(14) At the time the person committed the murder, the person and the victim were "family or household members" as that term is defined in RCW 10.99.020(~~(++))~~ (3), and the person had previously engaged in a pattern or practice of three or more of the following crimes committed upon the victim within a five-year period, regardless of whether a conviction resulted:

(a) Harassment as defined in RCW 9A.46.020; or

(b) Any criminal assault;

(15) At the time the person committed the murder, the person was a sexually violent predator, as defined in RCW 71.09.020.

Sec. 3. RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read as follows:

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.535:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(e) An offender convicted of the crime of rape of a child in the first degree or child molestation in the first degree shall be sentenced to a minimum term of total confinement not less than twenty- five years. An offender sentenced under this subsection (1)(e) is subject to lifetime supervision with electronic monitoring for any period of partial confinement, including community supervision.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.728(4).

(3)(a) Subsection (1) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)(i).

(b) This subsection (3) applies only to crimes committed on or after July 24, 2005.

Sec. 4. RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	<u>Child Molestation 1 (RCW 9A.44.083)</u>
	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
	<u>Rape of a Child 1 (RCW 9A.44.073)</u>
XIV	Murder 2 (RCW 9A.32.050)

	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Rape 1 (RCW 9A.44.040)
	((Rape of a Child 1 (RCW 9A.44.073)))
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	((Child Molestation 1 (RCW 9A.44.083)))
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020)

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Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Driving While Under the Influence (RCW 46.61.502(6))

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

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Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Cheating 1 (RCW 9.46.1961)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Endangerment with a Controlled Substance (RCW 9A.42.100)
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 Identity Theft 1 (RCW 9.35.020(2))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Malicious Harassment (RCW 9A.36.080)
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Trafficking in Stolen Property 1 (RCW 9A.82.050)
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
 Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
 Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
 Unlawful transaction of insurance business (RCW 48.15.023(3))
 Unlicensed practice as an insurance professional (RCW 48.17.063((3)) (2))
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 Burglary 2 (RCW 9A.52.030)
 Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Custodial Assault (RCW 9A.36.100)
 Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Mortgage Fraud (RCW 19.144.080)
 Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
 Organized Retail Theft 1 (RCW 9A.56.350(2))
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
 Theft of Livestock 2 (RCW 9A.56.083)
 Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

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- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)

- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(((4))))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 5. RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are each reenacted and amended to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.

(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.

(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:

(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;

(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;

(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under RCW 9.95.206;

(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;

(e) A method for the payment of funds by the department of corrections to the county;

(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;

(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;

(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and

(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.

(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.

(6) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.

(7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

(8) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.

(9)(a) If a misdemeanor probationer requests permission to travel or transfer to another state, the assigned probation officer employed or contracted for by the county shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(i) Notify the department of corrections of the probationer's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

(v) Resume supervision if the probationer returns to this state before the term of probation expires.

(b) The probationer shall receive credit for time served while being supervised by another state.

(10) Whenever the department or a county assumes supervisory responsibility for a misdemeanor probationer, the department or the county shall determine whether or not the probationer is listed in the central registry of sex offenders and kidnapping offenders.

Sec. 6. RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as follows:

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

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

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

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

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that

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department with the same information provided to a county sheriff under subsection (3) of this section.

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

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

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

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

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

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

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

(c) Any person required to register pursuant to this section shall verify, under penalty of law and with the county sheriff, twice a year that all of the information required in this subsection remains accurate. Failure to verify registration information twice a year constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a

violation of this section and is punishable as provided in subsection (11) of this section.

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

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who

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are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

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

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

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

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who

lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

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

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

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to

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have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

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

(9) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's

fingerprints. A photograph may be taken at any time to update an individual's file.

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class ((€)) B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a ((~~gross misdemeanor~~)) class C felony.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class ((€)) B felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a ((~~gross misdemeanor~~)) class C felony.

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

Sec. 7. RCW 9A.44.130 and 2008 c 230 s 1 are each

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amended to read as follows:

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

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

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

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

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

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

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

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

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

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

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

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

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

(c) Any person required to register pursuant to this section shall verify, under penalty of law and with the county sheriff, twice a year that all of the information required in this subsection remains accurate. Failure to verify registration information twice a year constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

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

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the

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department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for

offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

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

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

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The

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county sheriff shall not be required to determine whether the person is living within the county.

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

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

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

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

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

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

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

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

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(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a (~~(gross misdemeanor)~~) class C felony.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class (~~(E)~~) B felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a (~~(gross misdemeanor)~~) class C felony.

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

NEW SECTION. Sec. 8. A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of rendering assistance to a sex offender if the person knows that a sex offender required to register under RCW 9A.44.130 is not complying, or has not complied, with the requirements of RCW 9A.44.130 and, with the intent to assist the sex offender required to register in eluding a law enforcement agency that is seeking to find the sex offender to question the person about, or to arrest the person for, his or her noncompliance with the requirements of RCW 9A.44.130, the person:

(a) Withholds information from, or does not notify, the law enforcement agency about the sex offender's noncompliance with the requirements of RCW 9A.44.130 and, if known, the whereabouts of the sex offender;

(b) Harbors or attempts to harbor, or assists another person in harboring or attempting to harbor, the sex offender;

(c) Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sex offender; or

(d) Provides information to the law enforcement agency regarding the sex offender which the person knows to be false information, commits a felony of the third degree. This subsection (1)(d) does not apply if the sex offender is incarcerated in or is in the custody of a state correctional facility, a local jail, or a federal correctional facility.

(2) Rendering assistance to a sex offender is a class C felony.

Sec. 9. RCW 9A.76.050 and 1982 1st ex.s. c 47 s 20 are each amended to read as follows:

As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, under circumstances not amounting to a violation of section 8 of this act, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he or she knows has committed a crime or juvenile offense or is being sought by law enforcement officials for the commission of a crime or juvenile offense or has escaped from a detention facility, he or she:

(1) Harbors or conceals such person; or

(2) Warns such person of impending discovery or apprehension; or

(3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or

(4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or

(5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or

(6) Provides such person with a weapon.

Sec. 10. RCW 9A.44.145 and 1998 c 139 s 2 are each amended to read as follows:

(1) The state patrol shall notify:

(a) Registered sex and kidnapping offenders of any change to the registration requirements; and

(b) No less than annually, an offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile of their ability to petition for relief from registration as provided in RCW 9A.44.140.

(2) For economic efficiency, the state patrol may combine the notices in this section into one notice.

NEW SECTION. Sec. 11. This act shall be known and cited as the "Jessica Lunsford Act."

NEW SECTION. Sec. 12. Section 6 of this act expires ninety days after adjournment sine die of the 2010 legislative session.

NEW SECTION. Sec. 13. Section 7 of this act takes effect ninety days after adjournment sine die of the 2010 legislative session."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "sex offenders; amending RCW 10.95.020, 9.94A.540, 9A.44.130, 9A.76.050, and 9A.44.145; reenacting and amending RCW 9.94A.515, 9.95.204, and 9A.44.130; adding a new section to chapter 9A.76 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date."

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

POINT OF ORDER

Senator Regala: "Well, certainly the tragedy in Hazel Dell is a terrible tragedy. I also want to point out that many of the elements in this amendment are already current law but, more importantly Mr. President, I believe the proposed amendment is out of order because it's outside the scope and the object of the

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underlying bill. The bill before the Senate, Substitute Senate Bill No. 5326 is a bill that is intended to address only one class of person, those who are to be advised of their right to petition a superior court for release from registration requirements for offenses that they committed as a juvenile. The scope of the bill is very narrow dealing with this group of offenders and is entirely a bill about one limited procedure. The amendment before the Senate expands both the scope of the bill, offenders convicted as a juvenile who are to be notified of a procedural right they possess and the object of the bill requiring these offenders to be notified annually of their right to petition the court. This is a procedure remedy bill Mr. President. How does the amendment exceed the scope and object of this bill? First, it creates a new crime of aggravated first degree murder offense. This clearly has nothing to do with annual notice to juvenile sex offenders. Secondly, it would create a new mandatory minimum sentence for certain offenses having, again, nothing to do with notices of how a juvenile offender can petition for relief. Third, the bill would change our state's basic sentencing grids for specific offenses having nothing to do with the underlying bill about notice requirements for juvenile offenders. Fourth, by creating new crimes relating to failure to register as a sex offender, again nothing to do with the underline bill. Mr. President, there are many more provisions in the amendment that are significantly beyond the scope and object of Substitute Senate Bill No. 5326, a very narrowly drawn bill that only affects only a small class of individuals and a bill that has nothing to do with the contents of the amendment. I request that the President rule the amendment is beyond the scope and object of Substitute Senate Bill No. 5326."

Senator Benton spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5326 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5540, by Senators Pridemore, Hargrove, Marr, Shin and Haugen

Establishing high capacity transportation corridor areas.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540 was withdrawn.

MOTION

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

On page 2, line 25, strike "one or more" and insert two.

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540.

The motion by Senator Benton failed and the amendment was not adopted by a rising vote.

MOTION

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

On page 2, line 25, strike "or more"

On page 3, line 3, strike "or areas"

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

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

On page 2, line 26, after "all", strike "or a portion"

On page 2, line 27, after "area.", strike all material through "agency." on line 31

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

POINT OF ORDER

Senator Rockefeller: "Mr. President, I object to any indirect aspersions on the character of those of us who are in this chamber and paying attention to the good gentleman."

Senators Murray and Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 27 to Senate Bill No. 5540.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

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

On page 2, line 35, after "(2)", strike "A" and insert "Except as provided in subsection (6) of this section, a"

On page 3, line 4, after "RCW 81.104.150", strike all material through the end of line 5 and insert "and 81.104.160."

On page 3, after line 23, insert the following:

"(6)(a) A high capacity transportation corridor area may not impose a sales and use tax under RCW 81.104.170, but instead may levy an ad valorem property tax in excess of the one percent limitation upon the property within the area for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(b) A high capacity transportation corridor area may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056."

On page 4, after line 19, strike all of section 5

Renumber the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

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

On page 3, line 4, after "authorized under" strike everything through "81.104.170" on line 5 and insert "RCW 82.14.045"

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Benton: "Would Senator Pridemore yield to a question? Senator, I just want to clarify what I thought I heard you say and that is if in fact this bill does double the taxing authority of the transit district we'll be able to fix that in the House. Is that correct?"

Senator Pridemore: "I believe what I said is that we would look at it as it went over to the House, Senator, and that we would make appropriate changes at that time."

Senator Benton demanded a roll call.

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

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 4, to Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senators Brown and Hewitt

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore and Marr spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown and Hewitt

SENATE BILL NO. 5540, 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

Earlier this afternoon, give the enormous volume of bills, amendments, and motions before the Senate, I inadvertently voted "yes" on the final passage of Senate Bill No. 5540, relating to creating a high capacity transportation service in the Vancouver area of southwest Washington. I object to the boundaries and methods of taxation set forth in this bill. I regret my mistake, and should have voted "no" to oppose this measure.

SENATOR MORTON, 7TH Legislative District

MOTION

On motion of Senator Eide, Senate Bill No. 5540 was immediately transmitted to the House of Representatives.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Regala as to the scope and object of the amendment by Senator Benton to Substitute Senate Bill 5326, the President finds and rules as follows: Substitute Senate Bill 5326 is a bill that addresses only a narrow and specific group of offenders, those who committed a sex or kidnapping crime as juveniles and provides one limited procedure to ensure that this narrow group is notified of their right to petition the superior court for relief from registration requirements. Amendment 54 by Senator Benton, among other provisions, creates a new category of aggravated first degree murder, creates a new mandatory minimum sentence for certain offenses, changes the State's sentencing grid, and creates a new crime for failure to register as a sex offender. The President finds that none of the provisions would fall within the narrow scope of SSB 5326 which deals with modifying provisions relating to juvenile sex and kidnapping offender registration nor within the narrow object which is to direct the Washington State Patrol to annually inform these offenders that they have the right to petition for relief from registration requirements.

The President finds, therefore, that Senator Regala's point is well taken and Amendment 54 is not within the scope and object of the underlying bill."

The Senate resumed consideration of Substitute Senate Bill No. 5326 which had been deferred earlier in the day.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading,

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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 Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5326, 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. 5659, by Senators Berkey, Benton and Marr

Authorizing the consideration of mitigating factors for enforcement actions under the mortgage broker practices act.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey 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. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5659, 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. 5795, by Senators Kilmer and Franklin

Modifying the use of funds from the Tacoma Narrows toll

bridge account.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5795 was substituted for Senate Bill No. 5795 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5795 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer 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. 5795.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Absent: Senators Hargrove and Swecker

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5795, 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 Marr, Senator Prentice was excused.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

SECOND READING

SENATE BILL NO. 5800, by Senators Fraser, Swecker, Fairley, Murray, Shin and Kline

Regarding shorelines of statewide significance.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Swecker be adopted.

On page 4, line 12, after "the" strike "north" and insert "northwest" and after "of" strike "Water Street" and insert "Capitol Waterway"

On page 4, line 15, strike "south" and insert "southwest" and after "of" strike "Water Street" and insert "Capitol Waterway"

On page 9, line 12, after "from the" strike "centerline of Water Street" and insert "western boundary of Capitol Waterway"

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Senator Fraser 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 Fraser and Swecker on page 4, line 12 to Substitute Senate Bill No. 5800.

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

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Sheldon, Swecker and Murray 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. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Becker, Benton, Brandland, Delvin, Hatfield, Hobbs, Holmquist, McCaslin, Sheldon and Tom

Excused: Senators Brown, Hewitt and Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 5800, 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. 5030, by Senators Kilmer, Hobbs, Swecker, Shin, Berkey, Eide, Hatfield, McAuliffe and Roach

Concerning militia records, property, command, and administration.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5030 was substituted for Senate Bill No. 5030 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs 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. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott,

Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hewitt

SUBSTITUTE SENATE BILL NO. 5030, 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. 5340, by Senators Prentice, Regala, Pflug, Shin and Parlette

Concerning internet and mail order sales of tobacco products.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 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. 5340 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.

MOTION

On motion of Senator Eide, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5340, 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. 5368, by Senators Prentice, Parlette, Fraser, Regala, Shin and Keiser

Making provisions for all counties to value property annually for property tax purposes.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5368 was advanced to third reading,

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

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

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5368.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Carrell, Morton, Stevens, Tom and Zarelli

Absent: Senator Kohl-Welles

Excused: Senators Brown, Hewitt and Holmquist

SUBSTITUTE SENATE BILL NO. 5368, 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. 5765, by Senator Schoesler

Regarding the fruit and vegetable district fund.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5765 was substituted for Senate Bill No. 5765 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5765.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5765 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig,

Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt and Kohl-Welles

SUBSTITUTE SENATE BILL NO. 5765, 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. 5595, by Senators Keiser, King, Marr, Honeyford and Kohl-Welles

Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5595 was substituted for Senate Bill No. 5595 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Keiser and Schoesler be adopted.

On page 3, after line 19, insert the following:

"(4) In the case of motorhomes, this section applies only to manufacturer-initiated termination, cancellation, or nonrenewal of a franchise."

Senator Schoesler 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 Keiser and Schoesler on page 3, after line 19 to Substitute Senate Bill No. 5595.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Marr 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. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt and Kohl-Welles

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared

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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. 6095, by Senators Haugen and Swecker

Clarifying that retirement costs continue to be authorized as a charge included in the Puget Sound pilotage district tariff.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on the second reading and read the second time.

Senator Haugen spoke in favor of the substitute bill.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Holmquist, Honeyford, King, Parlette, Regala, Stevens and Zarelli

Excused: Senators Brown, Hewitt and Kohl-Welles

SUBSTITUTE SENATE BILL NO. 6095, 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. 5225, by Senators Kline and Hargrove

Concerning crimes against property.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 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 Senators Kline and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) An organized retail crime task force is created for the purpose of monitoring the effects of raising the monetary threshold amounts differentiating the various degrees of property crimes in Washington state. The task force is directed to examine the impact of raising these values on (a) the retail industry; (b) the district and municipal courts; and (c) the county and city offices of the prosecuting attorney. The task force shall also examine whether civil

immunity should be granted for retailers who create a common database of individuals suspected of theft and who deliver the database to law enforcement agencies. In addition, the task force is charged with identifying any policies or procedures which would enhance the successful investigation and prosecution of property crimes in Washington state.

(2) The task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) One member appointed by the Washington association of prosecuting attorneys;

(d) One member appointed by the Washington association of criminal defense lawyers;

(e) One member appointed by the association of Washington cities;

(f) One member appointed by the association of Washington counties;

(g) One member appointed by the food industry association of Washington representing retail grocers who own a single store or a regional chain with less than ten million five hundred thousand dollars in gross revenues per location annually; and

(h) One member appointed by the Washington association of retailers representing a retailer who owns a single store or a chain with one million five hundred thousand dollars or more in gross revenues annually.

The superior court judges association and the district and municipal court judges association are each invited to select a judge to be a member of the task force.

(3) The task force shall choose its chair from among its members and may conduct meetings, select officers, and prescribe rules of procedure.

(4) Staff for the task force will be provided by the staff of the legislature.

(5) Legislative members of the task force shall not be reimbursed for travel expenses. Nonlegislative members must seek reimbursement for travel and other membership expenses through their respective agencies or organizations.

(6) The task force is subject to the open public meetings act, chapter 42.30 RCW.

(7) The task force shall report its findings and recommendations to the appropriate committees of the legislature eighteen months after the effective date of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The sentencing guidelines commission shall review the monetary threshold amounts differentiating the various degrees of property crimes in Washington state to determine whether such amounts should be modified. The sentencing guidelines commission shall report to the legislature with its recommendations by November 1, 2014, and every five years thereafter.

Sec. 3. RCW 4.24.230 and 1994 c 9 s 1 are each amended to read as follows:

(1) An adult or emancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller, and with the intention of converting such goods, wares, or merchandise to his or her own use without having paid the purchase price thereof (~~shall be~~) is liable in addition to actual damages, for a penalty to the owner or seller in the amount of the retail value thereof not to exceed (~~one~~) two thousand eight hundred fifty dollars, plus an additional penalty of not less than one hundred dollars nor more than (~~two~~) six hundred thirty-eight dollars, plus all reasonable attorney's fees and court costs

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expended by the owner or seller. A customer who orders a meal in a restaurant or other eating establishment, receives at least a portion thereof, and then leaves without paying, is subject to liability under this section. A person who shall receive any food, money, credit, lodging, or accommodation at any hotel, motel, boarding house, or lodging house, and then leaves without paying the proprietor, manager, or authorized employee thereof, is subject to liability under this section.

(2) The parent or legal guardian having the custody of an unemancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares, or merchandise to his or her own use without having paid the purchase price thereof, ~~((shall be))~~ is liable as a penalty to the owner or seller for the retail value of such goods, wares, or merchandise not to exceed ~~((five))~~ one thousand four hundred twenty-five dollars plus an additional penalty of not less than one hundred dollars nor more than ~~((two))~~ six hundred thirty-eight dollars, plus all reasonable attorney's fees and court costs expended by the owner or seller. The parent or legal guardian having the custody of an unemancipated minor, who orders a meal in a restaurant or other eating establishment, receives at least a portion thereof, and then leaves without paying, is subject to liability under this section. The parent or legal guardian having the custody of an unemancipated minor, who receives any food, money, credit, lodging, or accommodation at any hotel, motel, boarding house, or lodging house, and then leaves without paying the proprietor, manager, or authorized employee thereof, is subject to liability under this section. For the purposes of this subsection, liability shall not be imposed upon any governmental entity, private agency, or foster parent assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) Judgments and claims arising under this section may be assigned.

(4) A conviction for violation of chapter 9A.56 RCW shall not be a condition precedent to maintenance of a civil action authorized by this section.

(5) An owner or seller demanding payment of a penalty under subsection (1) or (2) of this section shall give written notice to the person or persons from whom the penalty is sought. The notice shall state:

"IMPORTANT NOTICE: The payment of any penalty demanded of you does not prevent criminal prosecution under a related criminal provision."

This notice shall be boldly and conspicuously displayed, in at least the same size type as is used in the demand, and shall be sent with the demand for payment of a penalty described in subsection (1) or (2) of this section.

Sec. 4. RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((one))~~ five thousand ~~((five hundred))~~ dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony.

Sec. 5. RCW 9A.48.080 and 1994 c 261 s 17 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second

degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((two))~~ seven hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 6. RCW 9A.48.090 and 2003 c 53 s 71 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property, under circumstances not amounting to malicious mischief in the first or second degree.

~~(2)((a))~~ Malicious mischief in the third degree ~~((under subsection (1)(a) of this section is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars.~~

~~(b) Malicious mischief in the third degree under subsection (1)(a) of this section is a misdemeanor if the damage to the property is fifty dollars or less.~~

~~(c) Malicious mischief in the third degree under subsection (1)(b) of this section)) is a gross misdemeanor.~~

Sec. 7. RCW 9A.56.030 and 2007 c 199 s 3 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another; or

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty.

(2) Theft in the first degree is a class B felony.

Sec. 8. RCW 9A.56.040 and 2007 c 199 s 4 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) ~~((two))~~ seven hundred fifty dollars in value but does not exceed ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device.

(2) Theft in the second degree is a class C felony.

Sec. 9. RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read as follows:

(1) A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed ~~((two))~~ seven hundred ~~((and))~~ fifty dollars in value, or (b) includes ten or more merchandise pallets, or ten or more beverage crates, or a combination of ten or more merchandise pallets and beverage crates.

(2) Theft in the third degree is a gross misdemeanor.

Sec. 10. RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read as follows:

(1) Any person who shall with intent to defraud, (make, or

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draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds in, or credit with ~~((said))~~ the bank or other depository, to meet ~~((said))~~ the check or draft, in full upon its presentation, ~~((shall be))~~ is guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor ~~((said))~~ the check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing ~~((said))~~ the check or draft ~~((shall be))~~ is guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor.

(4) Unlawful issuance of a bank check in an amount greater than ~~((two))~~ seven hundred fifty dollars is a class C felony.

(5) Unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less is a gross misdemeanor and shall be punished as follows:

(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a ~~((minimum))~~ fine of ((five)) up to one thousand one hundred twenty-five dollars. Of the fine imposed, at least ~~((fifty))~~ three hundred seventy-five dollars or an amount equal to one hundred fifty percent of the amount of the bank check, whichever is greater, shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may not suspend or defer ~~((only that))~~ any portion of the fine ~~((which is in excess of five hundred dollars)).~~

Sec. 11. RCW 9A.56.096 and 2007 c 199 s 17 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, lease-purchased, or loaned property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, lease-purchase, or loan agreement; or

(b) That the renter, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, lease-purchase, or loan period, mailed by certified or registered mail to the renter, lessee, or borrower at: (a) The address the renter, lessee, or borrower gave when the contract was made; or (b) the renter, lessee, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter, lessee, or borrower.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, lease-purchased, or loaned property.

(5)(a) Theft of rental, leased, lease-purchased, or loaned property is a class B felony if the rental, leased, lease-purchased, or loaned property is valued at ~~((one))~~ five thousand ~~((five hundred))~~ dollars or more.

(b) Theft of rental, leased, lease-purchased, or loaned property is a class C felony if the rental, leased, lease-purchased, or loaned property is valued at ~~((two))~~ seven hundred fifty dollars or more but less than ~~((one))~~ five thousand ~~((five hundred))~~ dollars.

(c) Theft of rental, leased, lease-purchased, or loaned property is a gross misdemeanor if the rental, leased, lease-purchased, or loaned property is valued at less than ~~((two))~~ seven hundred fifty dollars.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, to lease-purchase agreements as defined under RCW 63.19.010, and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter 46.70 RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

Sec. 12. RCW 9A.56.150 and 2007 c 199 s 6 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value.

(2) Possessing stolen property in the first degree is a class B felony.

Sec. 13. RCW 9A.56.160 and 2007 c 199 s 7 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds ~~((two))~~ seven hundred fifty dollars in value but does not exceed ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value; or

(b) He or she possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He or she possesses a stolen access device.

(2) Possessing stolen property in the second degree is a class C felony.

Sec. 14. RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the third degree if he or she possesses (a) stolen property which does not exceed ~~((two))~~ seven hundred fifty dollars in value, or (b) ten or more stolen merchandise pallets, or ten or more stolen beverage crates, or a combination of ten or more stolen merchandise pallets and beverage crates.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

Sec. 15. RCW 9A.56.350 and 2006 c 277 s 2 are each amended to read as follows:

(1) A person is guilty of organized retail theft if he or she:

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(a) Commits theft of property with a value of at least ~~((two))~~ seven hundred fifty dollars from a mercantile establishment with an accomplice; or

(b) Possesses stolen property, as defined in RCW 9A.56.140, with a value of at least ~~((two))~~ seven hundred fifty dollars from a mercantile establishment with an accomplice.

(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars or more. Organized retail theft in the first degree is a class B felony.

(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of at least ~~((two))~~ seven hundred fifty dollars, but less than ~~((one))~~ five thousand ~~((five hundred))~~ dollars. Organized retail theft in the second degree is a class C felony.

(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Theft committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred.

(5) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for such decision.

NEW SECTION. Sec. 16. A new section is added to chapter 3.50 RCW to read as follows:

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

NEW SECTION. Sec. 17. A new section is added to chapter 3.66 RCW to read as follows:

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

NEW SECTION. Sec. 18. A new section is added to chapter 35.20 RCW to read as follows:

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

NEW SECTION. Sec. 19. This act applies to crimes committed on or after September 1, 2009."

Senators Kline, McCaslin and Brandland spoke in favor of adoption of the striking amendment.

Senators Roach, Honeyford and Benton spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and McCaslin to Substitute Senate Bill No. 5225.

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 1 of the title, after "property;" strike the remainder of the title and insert "amending RCW 4.24.230, 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040,

9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.56.350; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline 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. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, Marr, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown and Hewitt

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225, 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 6:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 6, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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