

FIFTY SEVENTH DAY

MORNING SESSION

March 6, 2015

Senate Chamber, Olympia, Monday, March 9, 2015

The Senate was called to order at 10:00 o'clock a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Emily Anderson and Espen Diamond, presented the Colors.

Mr. Harald Hyllseth, Associated Student Body President, Garfield High School and guest of Senator Jayapal led the Senate in the Pledge of Allegiance.

Major Michael Nute, Pastor at the Salvation Army in Vancouver, which is celebrating its 125<sup>th</sup> year of ministry and service in Vancouver, and guest of Senator Benton offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2015

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1021,  
 SUBSTITUTE HOUSE BILL NO. 1037,  
 HOUSE BILL NO. 1059,  
 SUBSTITUTE HOUSE BILL NO. 1127,  
 SUBSTITUTE HOUSE BILL NO. 1159,  
 SUBSTITUTE HOUSE BILL NO. 1178,  
 HOUSE BILL NO. 1230,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1276,  
 HOUSE BILL NO. 1294,  
 SUBSTITUTE HOUSE BILL NO. 1319,  
 HOUSE BILL NO. 1560,  
 SUBSTITUTE HOUSE BILL NO. 1586,  
 HOUSE BILL NO. 1595,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1654,  
 SUBSTITUTE HOUSE BILL NO. 1668,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1685,  
 SUBSTITUTE HOUSE BILL NO. 1718,  
 SUBSTITUTE HOUSE BILL NO. 1749,  
 HOUSE BILL NO. 1770,  
 HOUSE BILL NO. 1863,  
 SUBSTITUTE HOUSE BILL NO. 1893,  
 SUBSTITUTE HOUSE BILL NO. 2109  
 and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1682,  
 ENGROSSED HOUSE BILL NO. 2086  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6079 by Senators Baumgartner, Ericksen, Padden, Braun, Angel and Bailey

AN ACT Relating to basic education; amending RCW 28A.150.200; adding a new chapter to Title 28A RCW; and repealing RCW 28A.150.260.

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

SB 6080 by Senators Dammeier, Keiser, Honeyford, Conway and Pedersen

AN ACT Relating to financing public school facilities necessary to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade; adding a new section to chapter 28A.188 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1085 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Gregerson, S. Hunt, Cody, Hudgins and Pollet)

AN ACT Relating to requiring lobbying reports to be filed electronically; adding a new section to chapter 42.17A RCW; and creating new sections.

Referred to Committee on Government Operations & Security.

2SHB 1095 by House Committee on Appropriations (originally sponsored by Representatives Morris and Hudgins)

AN ACT Relating to promoting thermal energy efficiency; amending RCW 39.35.010, 39.35.020, 39.35.040, 19.280.030, 19.280.060, and 80.04.550; reenacting and amending RCW 39.35.030 and 19.280.020; adding new sections to chapter 19.280 RCW; adding a new section to chapter 80.28 RCW; adding new sections to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

EHB 1123 by Representatives Blake and Buys  
AN ACT Relating to regulation of the minimum dimensions of habitable spaces in single-family residential buildings; amending RCW 19.27.031, 19.27.060, 35.63.080, 35A.63.100, 36.43.010, and 36.70.750; and creating a new section.

Referred to Committee on Government Operations & Security.

HB 1142 by Representatives Wilcox, Reykdal, G. Hunt, Gregerson and Magendanz  
AN ACT Relating to modifying school district authority with respect to student parking; amending RCW 28A.325.010 and 28A.335.060; and creating a new section.

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

ESHB 1170 by House Committee on Local Government (originally sponsored by Representatives Clibborn, Zeiger, Tarleton, Wilcox, Springer, Jinkins, Fey, Kilduff, Fitzgibbon, Gregerson and Tharinger)  
AN ACT Relating to the administrative powers of port districts; and amending RCW 35.21.730, 35.21.735, 35.21.740, 35.21.745, 35.21.747, 35.21.750, and 35.21.755.

Referred to Committee on Trade & Economic Development.

E2SHB 1174 by House Committee on Appropriations (originally sponsored by Representatives Van De Wege, Taylor, Fitzgibbon, Senn, Shea, Magendanz, Springer, Tarleton, Ortiz-Self, Gregerson, Ormsby, Hunter, Ryu, S. Hunt, Riccelli, Stanford, Tharinger, Jinkins, Walkinshaw, Fey, Clibborn, Farrell and Goodman)

AN ACT Relating to flame retardants; amending RCW 70.240.020, 70.240.010, and 70.240.050; and adding new sections to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1223 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Springer, Kochmar, Sullivan, Rodne, Pettigrew, Wilcox, Fitzgibbon, McBride, Tarleton, Stokesbary, Sells, Lytton, Bergquist, Ormsby, Pollet, Fey, Santos and Walkinshaw)  
AN ACT Relating to allowing the use of lodging taxes for financing workforce housing; and amending RCW 67.28.150, 67.28.160, and 67.28.180.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1238 by House Committee on Higher Education (originally sponsored by Representatives Pollet, Haler, Bergquist, Hargrove, Sells, Fitzgibbon, Fey and Tarleton)  
AN ACT Relating to affordable tuition planning; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SHB 1257 by House Committee on Judiciary (originally sponsored by Representatives Walkinshaw, Senn,

Robinson, Stanford, Farrell, Ormsby, Riccelli, Gregerson, Jinkins, Fitzgibbon, Peterson, Bergquist, Santos and Pollet)

AN ACT Relating to tenant screening; amending RCW 59.18.257; reenacting and amending RCW 59.18.030; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1279 by Representatives Kochmar and Gregory  
AN ACT Relating to local tourism promotion areas; and amending RCW 35.101.010.

Referred to Committee on Trade & Economic Development.

HB 1345 by Representatives Lytton, Magendanz and Bergquist  
AN ACT Relating to adopting a definition and standards of professional learning; adding new sections to chapter 28A.300 RCW; and creating a new section.

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

SHB 1439 by House Committee on Appropriations (originally sponsored by Representatives Sawyer, Zeiger, Reykdal, Gregerson, Manweller and Tarleton)  
AN ACT Relating to an online alternative credit model at Central Washington University; adding a new section to chapter 28B.35 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1449 by House Committee on Environment (originally sponsored by Representatives Farrell, Carlyle, Fitzgibbon, Ortiz-Self, Peterson, Walkinshaw, Gregerson, Senn, McBride, Robinson, Tarleton, Pollet, Cody, Ormsby, Riccelli, Kagi, Blake, Fey, Hudgins, Lytton, Bergquist, Sells, Takko, Tharinger, Jinkins, Wylie, S. Hunt, Stanford, Reykdal, Sawyer, Appleton, Van De Wege, Clibborn, Ryu, Goodman and Kilduff)  
AN ACT Relating to oil transportation safety; amending RCW 90.56.005, 90.56.010, 90.56.200, 90.56.210, 90.56.500, 90.56.510, 88.40.011, 88.40.025, 88.40.030, 88.40.040, 88.16.170, 88.16.190, 82.23B.010, 82.23B.020, 82.23B.030, 82.23B.040, 81.24.010, 81.53.010, 81.53.240, and 88.46.180; reenacting and amending RCW 88.46.010, 88.40.020, and 38.52.040; adding new sections to chapter 90.56 RCW; adding a new section to chapter 81.44 RCW; adding a new section to chapter 81.53 RCW; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1516 by House Committee on Finance (originally sponsored by Representatives Pettigrew, Santos, Magendanz, Condotta, Fitzgibbon and Ormsby)  
AN ACT Relating to providing an exemption for certain lodging services from the convention and trade center tax; amending RCW 36.100.040; and providing an effective date.

Referred to Committee on Ways & Means.

E2SHB 1541 by House Committee on Appropriations (originally sponsored by Representatives Santos, Ortiz-Self, Tharinger, Moscoso, Orwall and Gregerson)  
AN ACT Relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and

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accountability committee; amending RCW 28A.600.490, 28A.600.015, 28A.600.020, 28A.600.022, 43.41.400, 28A.405.106, 28A.405.120, 28A.660.045, 28A.660.050, 28A.180.040, 28A.180.090, 28A.300.042, 28A.300.505, and 28A.300.507; reenacting and amending RCW 13.50.010; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.345 RCW; adding new sections to chapter 28A.415 RCW; adding new sections to chapter 28A.657 RCW; adding a new section to chapter 43.215 RCW; creating new sections; and providing expiration dates.

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

ESHB 1571 by House Committee on Environment (originally sponsored by Representatives Peterson, Goodman, Fitzgibbon, McBride, Pollet, Robinson, Stanford, S. Hunt and Riccelli)

AN ACT Relating to paint stewardship; amending RCW 43.21B.110 and 43.21B.110; reenacting and amending RCW 42.56.270; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1575 by House Committee on Capital Budget (originally sponsored by Representatives Buys, Dunshee, DeBolt and Stanford)

AN ACT Relating to retainage bonds on public contracts; and amending RCW 60.28.011.

Referred to Committee on Financial Institutions & Insurance.

SHB 1576 by House Committee on Finance (originally sponsored by Representatives Fitzgibbon, Cody and Pollet)

AN ACT Relating to sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Ways & Means.

HB 1590 by Representatives Reykdal, Haler, Dunshee, Ryu, Van De Wege, Ormsby, Fitzgibbon, Riccelli, Blake, Tarleton, McBride, Wylie and Goodman

AN ACT Relating to requiring completion of an apprenticeship program to receive a journey level or residential specialty electrician certificate of competency; amending RCW 19.28.161, 19.28.191, and 19.28.205; adding a new section to chapter 19.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SHB 1644 by House Committee on Higher Education (originally sponsored by Representatives Gregory, Zeiger, Pollet, Kilduff, Tharinger, Goodman, Riccelli and Jinkins)

AN ACT Relating to veteran survivor tuition waiver eligibility; and amending RCW 28B.15.621.

Referred to Committee on Higher Education.

HB 1666 by Representatives Magendanz, Lytton, Muri, Bergquist, Hansen, Kilduff and Caldier

AN ACT Relating to making the results on the statewide assessments available as norm-referenced results and as student growth percentiles; and amending RCW 28A.300.507 and 28A.655.210.

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

2SHB 1735 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Kagi, Carlyle, Gregerson, Pollet and Ormsby)

AN ACT Relating to extended foster care services; amending RCW 13.34.267 and 74.13.031; reenacting and amending RCW 74.13.020; adding a new section to chapter 74.13 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 1745 by House Committee on State Government (originally sponsored by Representatives Moscoso, Bergquist, S. Hunt, Haler, Orwall, Sawyer, Stanford, Walkinshaw, Appleton, Reykdal, Fitzgibbon, Tharinger, Fey, Jinkins, Wylie, Goodman, Ormsby, Farrell, Riccelli, Sells, Hudgins, Lytton, McBride and Santos)

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 54.12.010, and 29A.76.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on Government Operations & Security.

ESHB 1754 by House Committee on Capital Budget (originally sponsored by Representatives Buys, Dunshee, Muri, Haler, Senn, Ormsby, Sullivan and Smith)

AN ACT Relating to adding building envelope to the list of building trades that a prime contractor must list for bids on public works; and amending RCW 39.30.060.

Referred to Committee on Ways & Means.

E2SHB 1763 by House Committee on General Government & Information Technology (originally sponsored by Representatives Van De Wege, Lytton, Riccelli and Tharinger)

AN ACT Relating to regulating music licensing agencies; amending RCW 18.235.020 and 43.24.150; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

SHB 1793 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Stanford, Fitzgibbon, Tharinger and Morris)

AN ACT Relating to working within the existing in-stream flow rules adopted by the department of ecology to provide a suite of tools, applicable to property owners located in areas with limited access to legal new water withdrawals, for

alternative water procurement that does not result in a net loss to area surface waters; amending RCW 19.27.097 and 19.27.040; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 1813 by House Committee on Appropriations (originally sponsored by Representatives Hansen, Magendanz, Reykdal, Muri, Tarleton, Zeiger, Lytton, Haler, Senn, Harmsworth, Tharinger, Young, Walkinshaw, Stanford, S. Hunt and Pollet)

AN ACT Relating to expanding computer science education; amending RCW 28A.660.045 and 28A.660.050; adding a new section to chapter 28A.230 RCW; and adding a new section to chapter 28A.410 RCW.

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

E2SHB 1836 by House Committee on General Government & Information Technology (originally sponsored by Representatives Stanford, Blake, Lytton, Walkinshaw, Gregerson and Tarleton)

AN ACT Relating to state drought preparedness; amending RCW 43.83B.400, 43.83B.405, 43.83B.410, 43.83B.415, 43.83B.360, 43.83B.430, 90.86.020, 90.86.030, and 90.03.280; adding a new section to chapter 43.83B RCW; adding new sections to chapter 90.86 RCW; adding a new section to chapter 43.21C RCW; and repealing RCW 90.86.010.

Referred to Committee on Agriculture, Water & Rural Economic Development.

ESHB 1845 by House Committee on Environment (originally sponsored by Representatives DeBolt, Fitzgibbon, Orcutt, Short, Smith and Jinkins)

AN ACT Relating to pharmaceutical waste; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1853 by House Committee on Technology & Economic Development (originally sponsored by Representatives Magendanz, Bergquist, Morris, Muri, Tarleton, Fitzgibbon and Tharinger)

AN ACT Relating to utility leadership in electric vehicle charging infrastructure build-out; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1879 by House Committee on Health Care & Wellness (originally sponsored by Representatives Kagi, Walsh, Cody, Harris, Orwall, Tarleton and Ormsby)

AN ACT Relating to directing the health care authority to issue a request for proposals for integrated managed health and behavioral health services for foster children; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1896 by House Committee on Technology & Economic Development (originally sponsored by Representatives Smith, Hudgins, Tarleton and Young)

AN ACT Relating to providing a statewide minimum privacy policy for disclosure of customer energy use information; amending RCW 19.29A.010 and 19.29A.020; and adding new sections to chapter 19.29A RCW.

Referred to Committee on Energy, Environment & Telecommunications.

EHB 1998 by Representatives Johnson, Morris, Short, Wylie, Smith, McCabe, Nealey, Tarleton, Tharinger and Van De Wege

AN ACT Relating to allowing public utility districts to produce and sell renewable natural gas; and amending RCW 54.04.190.

Referred to Committee on Energy, Environment & Telecommunications.

2SHB 1999 by House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Lytton, Walsh, Sawyer, Pettigrew, Ortiz-Self, Dent, Parker, Caldier, Goodman and Jinkins)

AN ACT Relating to coordinating services and programs for foster youth in order to improve educational outcomes; amending RCW 28B.117.060; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; recodifying RCW 28B.117.060; and repealing RCW 74.13.105.

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

HB 2000 by Representatives Hurst, Condotta and Tarleton

AN ACT Relating to authorizing the governor to enter into agreements with federally recognized Indian tribes in the state of Washington concerning marijuana; amending RCW 69.50.360, 69.50.363, and 69.50.366; adding new sections to chapter 43.06 RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2023 by Representatives Parker, Lytton, Magendanz, Riccelli, Ormsby, Fagan and Santos

AN ACT Relating to changing the deadline for notices of nonrenewal of contracts for certificated school employees; amending RCW 28A.405.210, 28A.405.220, 28A.405.230, 28A.405.245, and 28A.310.250; and declaring an emergency.

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

2SHB 2040 by House Committee on Appropriations (originally sponsored by Representatives McCabe, Caldier, Senn, Harris, McBride, Dent, Johnson, Sells, Kagi, Kilduff and Wilson)

AN ACT Relating to increasing employment for veterans; adding a new section to chapter 73.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

MOTION

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

MOTION

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

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION  
8633

By Senator Benton

WHEREAS, In 1865, The Salvation Army was founded in London, England by William and Catherine Booth; and

WHEREAS, The Salvation Army operates in 126 countries around the world with dedication to mankind, glory to God, and the motto "Soup, Soap and Salvation"; and

WHEREAS, The first Salvation Army Officers arrived on American soil, March 10, 1880; and

WHEREAS, The phrase "on the wagon" was coined by men and women receiving services of The Salvation Army. Former National Commander Evangeline Booth drove a hay wagon through the streets of New York to encourage alcoholics onboard for a ride back to The Salvation Army. Hence, alcoholics in recovery were said to be "on the wagon"; and

WHEREAS, The Salvation Army Red Kettle began as a crab pot in San Francisco in 1891. A depression had thrown many out of work, including hundreds of seamen and longshoremen, and a Salvation Army officer used the pot to collect money for a meal to feed the unemployed. The campaign proved so successful that by 1900 it was replicated in cities throughout the nation; and

WHEREAS, The Salvation Army Brass Band has performed in the Rose Bowl Parade in Pasadena, California every year since the 1920's; and

WHEREAS, In 1890, The Salvation Army commenced its work at 6th and Main Street in downtown Vancouver, Washington; and

WHEREAS, The Salvation Army Clark County, a part of the universal Christian Church, exists to provide humanitarian care for those in need, ministering to body, mind, and spirit without discrimination; and

WHEREAS, The Salvation Army Clark County serves 35,000 individuals annually with food, clothing, utilities, housing, and educational services; and

WHEREAS, The Salvation Army has initiated an after school program targeting "at risk" youth grades K-5 to help kids with homework. This free program provides a safe environment for kids until their parents are able to pick them up after work; and

WHEREAS, The Salvation Army reaches out to inner city youth with a residential outdoor camp every year during the summer months; and

WHEREAS, The Salvation Army Clark County is working to expand its literacy and after school programs to reach children beyond grade five; and

WHEREAS, The Salvation Army Clark County plans to provide social and educational services for senior citizens in its community; and

WHEREAS, The Salvation Army provides vital services such as feeding the hungry, housing the homeless, and serving those who need it most in Washington state, all thanks to the graciousness and goodwill of indispensable volunteers and staff;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state senate extend its heartfelt appreciation to The Salvation Army Clark County for its 125 years of service to those in need in Clark County, Washington.

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

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

Senator Fraser announced a meeting of the Senate Democratic Caucus immediately upon going at ease and requested those members to bring the day's new regular calendar.

Senator Fain announced a meeting of the Majority Coalition Caucus immediately upon going at ease and requested those members to bring the day's new regular calendar.

MOTION

At 10:15 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:11 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 9, 2015

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5889.  
and the same is herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5889.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Samantha Brown, Miss Tri Cities 2014 accompanied by her mother Mrs. Shelly Brown who were seated at the rostrum. The President also welcomed and introduced Miss Paige Rebstock, Miss Tri Cities Outstanding Teen 2015, and her mother Ms. Wendy White; Mrs. Janice Carl, Board Member and Mrs. Dot Stewart, Executive Director, Miss Tri-Cities Scholarship Program who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Kailee Dunn, Miss Washington 2014, who was seated at the rostrum. Miss Dunn is a former Miss Tri-Cities and accompanied the President on a trade mission to China in the past year.

With the permission of the senate, business was suspended to allow Miss Dunn to offer remarks.

#### REMARKS BY MISS KAILEE DUNN

Miss. Kailee Dunn: "First of all I'd just like to say thank you for having me here this afternoon. It's such an honor to not only be here with all of you but represent the Miss America organization as the Lt. Governor just said, the Miss Tri Cities Scholarship program is a huge community-based scholarship competition where they are able to give out \$30,000 in scholarships. The Miss America organization is the number one scholarship provided for women in the world. And I'm just so grateful to be representing that and to share that with you and to hear all of what you guys have in store for us today. Again, thank you so much and thank you to the Lt. Governor for having me here."

#### MOTION

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

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Pearson moved that Jay W. Holzmiller, Gubernatorial Appointment No. 9069, be confirmed as a member of the Fish and Wildlife Commission.

Senator Pearson spoke in favor of the motion.

#### APPOINTMENT OF JAY W. HOLZMILLER

The President declared the question before the Senate to be the confirmation of Jay W. Holzmiller, Gubernatorial Appointment No. 9069, as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Jay W. Holzmiller, Gubernatorial Appointment No. 9069, as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow,

McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Jay W. Holzmiller, Gubernatorial Appointment No. 9069, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

#### MOTION

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

#### RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Ericksen as to whether Amendment No. 152 to Substitute Senate Bill No. 5735 fits within the scope and object of the underlying bill, the President finds and rules as follows:

Substitute Senate Bill No. 5735 would create a new category under the definition of 'eligible renewable resource,' to allow certain utilities to claim carbon reduction investments as a means to meet the utilities' goals under Initiative 937. The bill provides 'incentives for carbon reduction investments' by allowing utilities to include investments that 'reduce, prevent, or remove from the atmosphere the emissions of greenhouse gases in the state.' The bill further provides a technical definition describing the chemicals that constitute greenhouse gases.

Amendment 152 by Senator Habib provides an intent section for the bill. It does not alter the substance of the bill. It includes findings that the state will be harmed if substantial reductions in greenhouse gases do not occur; ties the emission of greenhouse gases to climate change; notes that reduction in emissions helps to support the legislature's 2008 emission limitations; and broadly supports efforts to reduce carbon emissions from all sectors. Most controversially, it includes a finding that climate change is real.

The underlying bill does not have an intent section that could assist the President in determining its object. Therefore the President must rely solely on the bill's substantive content to determine its limits under Rule 66 (scope and object).

An intent section alters nothing about the statutory changes contained in a bill. If passed in its current form, Substitute Senate Bill No. 5735 would allow certain expenses to be claimed as renewable resources; the bill would function the same with or without the intent section.

The President would caution that adding solely an intent section to a bill does have limitations. It would not be appropriate for an intent section to be entirely unrelated to the underlying bill. In this case, however, the relation between the bill and proposed amendment is sufficient. The bill provides for a specific form of credit available to utilities that make investments to reduce greenhouse gases, a goal that the bill's proponents support. The proposed intent section builds upon that goal by describing its relationship to the issue of climate change. Although the intent section also provides a statement about applying such action to 'all sectors' of the state, this aspirational statement does not alter the bill's goal of providing a means for utilities to reduce greenhouse emissions.

For these reasons, the President finds that the amendment is within the scope and object of the underlying bill, and Senator Ericksen's point is not well-taken."

#### MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5735 was deferred and the bill held its place on the day's second reading calendar.

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## SECOND READING

SENATE BILL NO. 5028, by Senators Bailey, Dammeier, Cleveland, Keiser and Warnick

Raising licensure limits to allow assisted living facilities to serve a higher acuity resident population.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5028 was substituted for Senate Bill No. 5028 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Frockt 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. 5028.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5028, 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. 5066, by Senators Padden and Darneille

Concerning the collection of blood samples for forensic testing.

## MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5066 was substituted for Senate Bill No. 5066 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden 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. 5066.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5066, 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. 5167, by Senator O'Ban

Concerning the local option prohibition on the sale of liquor.

## MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5167 was substituted for Senate Bill No. 5167 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban 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. 5167.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Becker and Pearson

SUBSTITUTE SENATE BILL NO. 5167, 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. 5488, by Senators Keiser, Jayapal, Parlette and Cleveland

Concerning applied behavior analysis.

## MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5488 was substituted for Senate Bill No. 5488 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. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Dammeier 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. 5488.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5488, 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.

Senator Roach assumed the chair.

#### SECOND READING

SENATE BILL NO. 5252, by Senators Dammeier, McAuliffe, King, Litzow and Angel

Creating a pilot program to implement regional school safety and security centers. Revised for 2nd Substitute: Creating a program to implement regional safety and security centers.

#### MOTIONS

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5252 was substituted for Senate Bill No. 5252 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Second Substitute Senate Bill No. 5252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, McCoy, Hobbs and McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5252.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt,

Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SECOND SUBSTITUTE SENATE BILL NO. 5252, 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. 5238, by Senators Angel, Lias, Honeyford, McCoy, Dammeier and Chase

Concerning public water systems' public participation notice provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Lias 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. 5238.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5238 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5238, 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. 5793, by Senators Darneille, Conway and O'Ban

Providing credit towards child support obligations for veterans benefits.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.



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The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5793.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5793, 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. 5299, by Senators Benton, Mullet, Fain, Darneille, Hobbs, Angel and Conway

Updating, clarifying, and strengthening department of financial institutions' enforcement, licensing, and examination statutes relating to residential mortgage lending, and enhancing the crime of mortgage fraud in the residential mortgage lending process.

## MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Mullet 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. 5299.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5299, 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. 5070, by Senators Pearson, Warnick, Dammeier, Kohl-Welles and Brown

Requiring the department of corrections to supervise domestic violence offenders who have a conviction and were sentenced for a domestic violence felony offense that was plead and proven.

The measure was read the second time.

## MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson 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. 5070.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5070, 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. 5397, by Senators Litzow, Hobbs and King

Concerning the disclosure of certain transportation-related information by the department of licensing.

## MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 5397 was substituted for Senate Bill No. 5397 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 5397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Hobbs 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. 5397.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5397 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5397, 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. 5380, by Senator Pearson

Modifying provisions of the code that deal with migratory birds.

#### MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5380 was substituted for Senate Bill No. 5380 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Hatfield 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. 5380.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5380, 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. 5436, by Senators Bailey and Dammeier

Concerning the joint legislative executive committee on aging and disability.

#### MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5436 was substituted for Senate Bill No. 5436 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Darneille 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. 5436.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5436, 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. 5481, by Senators Hill, Litzow, Mullet, Chase, Rivers, Becker, Bailey, Warnick, Rolfes and Hasegawa

Concerning tolling customer service reform.

#### MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Habib, Hobbs and Angel 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. 5481.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

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Absent: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5481, 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. 5300, by Senators Benton, Mullet, Fain, Darneille, Hobbs and Angel

Updating the department of financial institutions' regulatory enforcement powers regarding credit unions and organizations providing services to credit unions.

The measure was read the second time.

## MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Mullet 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. 5300.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5300, 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. 5100, by Senators Hobbs and King

Concerning the processing of certain motor vehicle-related violations applicable to rental cars.

The measure was read the second time.

## MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5100 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 Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5100.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Baumgartner and Dansel

SENATE BILL NO. 5100, 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. 5737, by Senators Miloscia and Chase

Concerning government performance and accountability.

## MOTION

On motion of Senator Miloscia, Second Substitute Senate Bill No. 5737 was substituted for Senate Bill No. 5737 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 2, line 28, after "(2)" insert "'Agency assessment' means an assessment of agency performance using a performance assessment tool.

(3)"

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

On page 3, beginning on line 10, after "(5)" strike all material through "(7)" on line 18

On page 3, beginning on line 25, strike "(8)" and insert "'(6) Performance assessment tool' means a tool to assess agency performance, including leadership, workforce, management systems, planning, customer focus, process management, and other domains, that is cost-effective, adds value to the assessment process, and draws on the strengths of internationally recognized assessment protocols, including but not limited to Baldrige excellence frameworks, ISO 9001, and the Shingo transformation model.

(7)"

Correct any internal references accordingly.

On page 4, line 8, after "(3)" strike all material through "grants" on line 24 and insert "Develop or designate a performance assessment tool to be used in agency assessments of all agencies"

On page 4, at the beginning of line 31, strike "Baldrige" and insert "agency"

On page 4, line 36, after "Status of" strike "Baldrige" and insert "agency"

On page 5, line 12, after "with" strike "Baldrige" and insert "agency"

On page 5, line 32, after "previous" strike "Baldrige" and insert "agency"

On page 5, line 36, after "for" strike "Baldrige" and insert "agency"

On page 5, line 38, after "completed" strike "Baldrige" and insert "agency"

On page 6, line 6, after "agency's" strike "Baldrige"

On page 6, beginning on line 7, after "performance." strike all material through "assessment." on line 19

Beginning on page 8, line 30, strike all of section 8

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

On page 19, beginning on line 1, after "When" strike "a Baldrige" and insert "an agency"

On page 20, at the beginning of line 21, strike "Baldrige" and insert "agency"

On page 45, line 34, after "conduct" strike "Baldrige" and insert "agency"

Beginning on page 45, line 36, strike all of section 26

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

On page 1, line 2 of the title, after "43.17.385," strike "43.17.390,"

On page 1, line 6 of the title, after "43.88 RCW;" strike "adding a new section to chapter 43.19 RCW;"

Senator Fraser spoke in favor of adoption of the amendment. Senator Miloscia spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 2, line 28 to Second Substitute Senate Bill No. 5737.

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

#### MOTION

Senator Jayapal moved that the following amendment by Senators Jayapal and Miloscia be adopted:

On page 3, line 25, after "(8)" insert ""Measurable improvements" includes but is not limited to cost savings, cost avoidance, improved safety, increased quality, accuracy and efficiency, improved customer satisfaction, and enhanced employee engagement and satisfaction.

(9)"

Correct any internal references accordingly.

On page 27, line 30, after "savings" insert ", including savings that may result from measurable improvements as defined in section 3 of this act,"

On page 28, line 36, after "savings" insert ", including savings that may result from measurable improvements as defined in section 3 of this act,"

On page 29, line 3, after "savings" insert ", including savings that may result from measurable improvements as defined in section 3 of this act,"

Senators Jayapal and Miloscia spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Jayapal and Miloscia on page 3, line 25 to Second Substitute Senate Bill No. 5737.

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

#### MOTION

Senator Jayapal moved that the following amendment by Senators Jayapal and Miloscia be adopted:

On page 3, after line 35, insert the following:

"NEW SECTION. Sec. 4. (1) Beginning July 1, 2015, the office of performance management must conduct an inventory and review of state agency performance management plans, including any experience with recognized tools such as Baldrige or similar frameworks, strategic planning goals and processes, leadership capacity, and lean culture maturity for the purpose of determining the readiness and capacity of each agency to comply with this chapter. By April 1, 2016, the office must submit, in compliance with RCW 43.01.035, a report to the legislature and the governor evaluating the results of the inventory and identifying the agencies' strengths, weaknesses, opportunities, and threats.

(2) The office of performance management also must:

(a) Develop one or more mechanisms to promote the sharing of information between agencies regarding best practices, challenges, and successes, with the goal of allowing agencies that have successfully deployed the performance assessment and implemented a performance management plan to serve as a resource to agencies in the process of doing so; and

(b) Annually select one or more multiagency programs or processes for a lean performance analysis, to be conducted in collaboration with the affected agencies, with the goal of identifying cross-jurisdictional efficiencies and performance improvements, including those for which statutory or fiscal authority may be needed. The results of the analysis must be included in the annual report to the legislature under section 5 of this act."

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

On page 5, line 38, after "size" strike "and small agencies" and insert "agencies, and beginning in 2021, every three years for small size agencies"

Senators Jayapal and Miloscia spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Jayapal and Miloscia on page 3, after line 35 to Second Substitute Senate Bill No. 5737.

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

#### MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5737 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Jaypal, Hill and Baumgartner spoke in favor of passage of the bill.

Senators Hargrove and Darneille spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5737.

#### ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5737 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Cleveland, Dammeier, Dansel, Ericksen, Fain, Frockt, Habib, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Conway, Darneille, Fraser, Hargrove, Hatfield, Kohl-Welles, McAuliffe, McCoy, Mullet, Nelson and Pedersen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5737, 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. 5534, by Senators Bailey, Kohl-Welles, Hill, Conway, Rivers, Rolfes, Hargrove and Chase

Creating the certified public accounting scholarship program.

#### MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5534 was substituted for Senate Bill No. 5534 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey 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. 5534.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Frockt, Hasegawa, Honeyford and Jayapal

SUBSTITUTE SENATE BILL NO. 5534, 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. 5863, by Senators Jayapal, Rivers, Keiser, Miloscia, Conway, Angel, Liias, Pedersen, Hobbs, Kohl-Welles and Hasegawa

Concerning highway construction workforce development.

The measure was read the second time.

#### MOTION

Senator Fain moved that the following amendment by Senators King and Jayapal be adopted:

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

"(7)By December 31, 2020, the department must report to the legislature on the results of how the department's efforts to actively engage with communities with populations that are underrepresented in current transportation apprenticeship programs have resulted in an increased participation of underrepresented groups in the department's apprenticeship program over a five year period."

Senators King and Jayapal spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators King and Jayapal on page 3, after line 3 to Senate Bill No. 5863.

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

#### MOTION

On motion of Senator Jayapal, the rules were suspended, Engrossed Senate Bill No. 5863 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jayapal and Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5863.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5863 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Baumgartner, Benton, Braun, Ericksen and Padden

ENGROSSED SENATE BILL NO. 5863, 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. 5395, by Senators Roach, Liias, Benton and McCoy

Modifying exemptions relating to real estate appraisals.

The measure was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton, Lias and Angel 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. 5395.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5395, 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. 5715, by Senators Fain, Pedersen, Braun and Angel

Including the contents of fiscal impact statements in the ballot title for certain initiative measures.

#### MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Pedersen, Angel, Mullet and Billig spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

#### POINT OF ORDER

Senator Benton: "The powers of initiative in this state are granted by the State Constitution. I have a copy of it right in my hand. If I may read, Madam President? 'Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, ...' The power reserved by the people is .. 'The first power reserved by the people is the power of initiative. Every such petition shall include the full text of the measure to be proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures ...' etc. etc. I believe the Constitution sets forth, clearly, what is to be included in an initiative and what is not to be included in an initiative, Madam President. I ask you to rule as to whether or not this measure will require two-thirds vote, as all constitutional amendments do require, in order to get out of this body. Thank you Madam President."

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Thank you Senator Benton. Let me figure out how I'm going to rule. I rule it takes a two-thirds. (Gavel sounds.) There we go. ... I didn't know he was going to do that, by the way. I think he's got it."

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5715.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Baumgartner, Benton, Dansel, Ericksen, Lias, Padden, Pearson and Roach

SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority and the two-thirds majority required by ruling of the President Pro Tempore, 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. 5733, by Senators Warnick, Hatfield and Hobbs

Authorizing a livestock movement reporting system. Revised for 1st Substitute: Concerning livestock transaction reporting.

#### MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5733 was substituted for Senate Bill No. 5733 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Hatfield 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. 5733.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette,

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Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

and help for our family that might have experienced a loss like that. Thank you.”

Voting nay: Senator Chase

SUBSTITUTE SENATE BILL NO. 5733, 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

SECOND READING

SENATE BILL NO. 5841, by Senators King, Kohl-Welles, Rivers, Liias and Hobbs

SENATE BILL NO. 5740, by Senators Fain, Billig, Litzow, McAuliffe, Frockt, Miloscia, Darneille and Jayapal

Concerning extended foster care services.

Creating a tuition and fees exemption for children and surviving spouses of certain highway workers.

MOTIONS

The measure was read the second time.

On motion of Senator Fain, Substitute Senate Bill No. 5740 was substituted for Senate Bill No. 5740 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senators Fain, Darneille and Liias spoke in favor of passage of the bill.

On motion of Senator King, the rules were suspended, Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5740.

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

ROLL CALL

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5841.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5740 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5841, 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

PERSONAL PRIVILEGE

SENATE BILL NO. 5601, by Senators Warnick, Rivers, Schoesler and Honeyford

Senator King: “Thank you Madam President. Well, I just wanted to say that I think we need to thank all of the thousands of people that work in our transportation system and work on our highways and protects us on those highways. I meant to say thank you to them. I also want to say that, that the bill we just passed? We hope it is never used. Thank you, Madam President.”

Requiring the Washington state department of agriculture to approve the comparable recertification standards of private entities for the purposes of waiving the recertification requirements under the Washington pesticide control act.

PERSONAL PRIVILEGE

MOTIONS

Senator Sheldon: “Thank you Madam President. A couple of years ago I had the, the honor, I guess. It was my honor to be there but it was sad occasion. It was one of our maintenance crew that died on the job, out in the Olympic Peninsula. It was a very moving service for that individual. You know, you think about the people that you meet in our business and think about some of the things that we do. And, hopefully, they make a big impression

On motion of Senator Warnick, Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5601 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

Senator Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5601.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5601 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Lias, Litzow, McAuliffe, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hasegawa, Jayapal, Keiser, Kohl-Welles, McCoy, Ranker and Rolfes

SUBSTITUTE SENATE BILL NO. 5601, 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. 5957, by Senators Lias, Rivers, Billig, King, Hobbs, Frockt and Hasegawa

Creating a pedestrian fatality and serious injury review panel. Revised for 1st Substitute: Creating a pedestrian safety advisory council.

The measure was read the second time.

#### MOTIONS

On motion of Senator Lias, Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5759 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lias, the rules were suspended, Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias, King, Frockt, Becker and Jayapal 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. 5957.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 5957, 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. 5972, by Senators Schoesler, Hatfield and Warnick

Concerning the procurement of seeds by state agencies.

#### MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5972 was substituted for Senate Bill No. 5972 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. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Chase 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. 5972.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5972, 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.

The Senate resumed consideration of Substitute Senate Bill No. 5735 which had been deferred on a previous day.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5735, by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Ericksen, Rivers, Angel, Baumgartner, Brown, Hewitt, Bailey, Schoesler, Parlette, Honeyford, Braun, Padden, Becker, Hatfield and Sheldon)

Providing incentives for carbon reduction investments.

The measure was read the second time.

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the amendment by Senator Habib be adopted.

On page 1, beginning on line 2 of the amendment, strike all material through "sectors." on line 15 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that climate change is real and that human activity may contribute to climate change. The legislature further finds that climate change is impacting the state. The 2008 legislature established statewide



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emission goals that are to be achieved by 2020, 2035, and 2050, but did not enact a comprehensive set of measures to ensure that the emission reductions would be accomplished. The 2015 legislature further finds that action should be taken to encourage and incentivize clean energy investments."

Senator Ericksen spoke in favor of adoption of the amendment to the amendment.

Senator Habib spoke against adoption of the amendment to the amendment.

Senator Rolfes demanded a roll call.

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

Senators Frockt and Ranker spoke against the adoption of the amendment to the amendment.

Senator Dansel spoke in favor of adoption of the amendment to the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 1, line 2 to the amendment by Senator Habib to Substitute Senate Bill No. 5735.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen to the amendment by Senator Habib and the amendment was adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hatfield, Hewitt, Hill, Honeyford, King, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Habib as amended.

Senator Habib spoke in favor of adoption of the amendment as amended.

Senator Habib demanded a roll call.

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

Senators Ericksen and Hobbs spoke against adoption of the amendment to the amendment.

#### PARLIAMENTARY INQUIRY

Senator Rolfes: "Could somebody at the rostrum explain to the body what we are roll calling?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "I will do that. So, we had an amendment that we came into this discussion with, the amendment by Senator Habib. It was ruled that it was within scope. Then there was an amendment that was adopted that

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Senator Ericksen had proposed. It was sustained, it was voted on. It was roll called and we adopted it. So, now that we have in front of us is Senator Habib's amendment as amended by Senator Ericksen. A demand for a roll call has been sustained and so that's what the vote is going to be."

Senator Ranker spoke against adoption of the amendment as amended.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Habib on page 1, after line 3, as amended, to Substitute Senate Bill No. 5735.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Habib and the amendment as amended was adopted by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Brown, Chase, Dammeier, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, King, Kohl-Welles, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Baumgartner, Billig, Braun, Cleveland, Conway, Dansel, Darneille, Hasegawa, Hobbs, Honeyford, Jayapal, Keiser, Liias, Litzow, McAuliffe, Padden, Pearson, Pedersen, Ranker and Rolfes

#### PERSONAL PRIVILEGE

Senator Fain: "This is what happens when people try to get cute."

#### MOTION

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

On page 7, line 13, after "2019;" strike "and" and insert "~~(and)~~"

On page 7, line 15, after "thereafter" insert "; and (iv) Beginning January 1, 2021, the qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or any combination of them, for at least fifteen percent of its load and, in addition, shall comply with the requirements of (e) of this subsection"

Beginning on page 7, line 35, after "(e)" strike all material through "compliance path." on page 8, line 28 and insert "Except as provided in (b), (c), and (d) of this subsection, beginning January 1, 2021, and each year thereafter, all electric utilities as that term is defined in RCW 19.29A.010 shall meet one hundred percent of any new generation need with any one or any combination of the following: Conservation, eligible renewable resources, and storage."

(i) New generation subject to the requirements of this subsection, whether that new generation is needed to replace retiring generation, to meet load growth, or for any other purpose, includes the following:

(A) A utility's new or increased ownership interest in a new or existing generation facility or unit, consistent with RCW 19.285.030(16); and

(B) A new or increased contractual commitment that obligates a utility to purchase a specified amount of megawatt-hours. Contracts do not comply with this subsection

unless the sources or origins of generation can be ascertained with reasonable certainty. A contract is not in compliance with this subsection if the contract specifies a source of generation where the megawatt-hours from such source are double counted or contractually committed to another purchaser.

(ii) The following are not subject to the requirements of this subsection: (A) A utility's allocation of Bonneville power administration tier 1 power, as determined pursuant to a utility's tier 1 contract with the Bonneville power administration; (B) short-term spot market purchases; (C) generation that is found by the Washington utilities and transportation commission or a utility's governing board to be required to maintain reliable service and comply with applicable standards of the North American electric reliability corporation or its successor; and (D) increased megawatt-hours from a generation facility that is already owned by a utility where the utility's ownership interest in the facility does not increase.

(iii) A utility may acquire new generation other than conservation, eligible renewable resources, and storage for integration, ancillary services, load following, and peak load requirements only if the new generation is found by the Washington utilities and transportation commission or a utility's governing board to be required for such purposes.

(iv) A utility may only acquire existing Washington-based and Washington utility-owned hydropower in a year where a utility acquires new generation that individually or collectively serves more than ten percent of the utility's annual load. The hydropower acquired pursuant to this subsection (2)(e)(iv) may not exceed fifty percent of the new generation acquired by the utility.

(v) If a utility acquires a new ownership interest or contractual commitment in gas-fired generation after January 1, 2015, and before January 1, 2021, only the megawatt-hours needed to serve the utility's load in the year that the utility acquires such ownership interest or contractual commitment will be considered existing generation. Any increase in the megawatt-hours used or acquired by the utility after January 1, 2021, must be treated as new generation and is subject to the requirements of this subsection (2)(e).

(vi) For the purposes of this subsection, "storage" means a set of technologies capable of storing previously generated electric energy and releasing that energy at a later time. For the purposes of this subsection (2)(e), pumped storage projects are considered an energy storage tool for grid stabilization and improved integration of variable renewable energy resources and should not cause any additional adverse impacts to waterways. Adverse impacts may be in river, in-channel peaking, ramping, new pumping of groundwater, or diversion of surface water resources. Utilities should focus on reservoirs already built where water rights are already issued."

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

Senator McCoy spoke in favor of adoption of the amendment.  
Senator Ericksen spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McCoy on page 7, line 13 to Substitute Senate Bill No. 5735.

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

#### MOTION

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

On page 10, after line 11, insert the following:

"(4) Each qualifying utility must implement a LEAN performance management system and complete a Baldrige assessment every two years with an organizational goal of achieving a sixty percent score within seven years of the first assessment, and report the results of each assessment to the department of commerce. Implementation of the requirements of this subsection is the responsibility of each qualifying utility and is not subject to rule making pursuant to RCW 19.285.080 or audit or enforcement pursuant to RCW 19.285.060."

Senators Miloscia and Rolfes spoke in favor of adoption of the amendment.

Senator Ericksen spoke against adoption of the amendment.

Senator Rolfes demanded a roll call.

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

Senators Hargrove, Chase and Liias spoke in favor of adoption of the amendment

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Miloscia on page 10, after line 11 to Substitute Senate Bill No. 5735.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Miloscia and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase; Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove; Hasegawa, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Miloscia, Nelson, Padden, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dassel, Ericksen, Fain, Hatfield, Hewitt, Hill, Honeyford, King, Litzow, Mullet, O'Ban, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

#### MOTION

On motion of Senator Ericksen the rules were suspended, Engrossed Substitute Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Schoesler, Baumgartner, Sheldon, Parlette, Brown and Dassel spoke in favor of passage of the bill.

Senators McCoy, Rolfes, Frockt, Ranker and Miloscia spoke against passage of the bill.

#### MOTION

Senator Padden demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Padden was declared carried by the President Pro Tempore and the previous question was put.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5735.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hasegawa, Hill, Hobbs, Jayapal, Keiser, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Pedersen, Ranker and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5735, 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. 5057, by Senator Ericksen

Concerning the safe transport of hazardous materials.

MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 5057 was substituted for Senate Bill No. 5057 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.56 RCW to read as follows:

(1) The department must provide to the relevant policy and fiscal committees of the senate and house of representatives:

(a) A review of all state geographic response plans and any federal requirements as needed in contingency plans required under RCW 90.56.210 and 88.46.060 by December 31, 2015; and

(b) Annual updates, beginning December 31, 2016, and ending December 31, 2021, as required under RCW 43.01.036, as to the progress made in completing state and federal geographic response plans as needed in contingency plans required under RCW 90.56.060, 90.56.210, and 88.46.060.

(2) The department must contract, if practicable, with eligible independent third parties to ensure completion by December 1, 2017, of at least fifty percent of the geographic response plans as needed in contingency plans required under RCW 90.56.210 and 88.46.060 for the state.

(3) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

"NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of ecology shall provide grants to emergency responders to assist with oil spill and hazardous materials response and firefighting

equipment and resources needed to meet the requirements of this act.

(2) For the purposes of determining grant allocations, the department of ecology, in consultation with emergency first responders, oil spill response cooperatives, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall: (a) Conduct an evaluation of oil spill and hazardous materials response and firefighting equipment and resources currently available for oil spill and hazardous materials response activities throughout the state; (b) review the local emergency management coordinating efforts for oil spill and hazardous materials response; (c) determine the need for additional, new, or updated equipment and resources; and (d) identify areas or regions of the state that are in greatest need of resources and oil spill and hazardous materials response and firefighting equipment.

(3) The department of ecology, in consultation with emergency first responders, oil spill response cooperatives, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall review grant applications to prioritize grant awards using the evaluation of availability of oil spill and hazardous materials response and firefighting equipment and resources as determined in subsection (2) of this section.

(a) The application review must include evaluation of equipment and resource requests, funding requirements, and coordination with existing equipment and resources in the area.

(b) Funding must be prioritized for applicants from areas where the need for firefighting and oil spill and hazardous materials response equipment is the greatest as determined in subsection (2) of this section.

(c) Grants must be coordinated to maximize currently existing equipment and resources that have been put in place by first responders and industry.

**Sec. 3.** RCW 82.23B.010 and 1992 c 73 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Bulk oil terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil from a tank car. (3) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

~~((3))~~ (4) "Department" means the department of revenue.

~~((4))~~ (5) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

~~((5))~~ (6) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

~~((6))~~ (7) "Person" has the meaning provided in RCW 82.04.030.

~~((7))~~ (8) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

~~((8))~~ (9) "Tank car" means a rail car, the body of which consists of a tank for transporting liquids. (10) "Taxpayer" means

the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal in this state (~~(from a waterborne vessel or barge)~~) and who is liable for the taxes imposed by this chapter.

~~((9))~~ (11) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

**Sec. 4.** RCW 82.23B.020 and 2006 c 256 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; and (b) crude oil at a bulk oil terminal within this state from a tank car. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car or waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; and (b) crude oil at a bulk oil terminal within this state from a tank car. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car or waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter ~~((shall))~~ must be collected by the marine or bulk oil terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the ~~((imposition of the))~~ taxes imposed, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she ~~((shall))~~, nevertheless, ~~((be))~~ is personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine or bulk oil terminal operator ~~((shall))~~ must relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter ~~((shall))~~ must be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected ~~((shall be))~~ is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected ~~((shall))~~ must be stated separately from other charges made by the marine or bulk oil terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes ~~((shall be))~~ are due from the marine or bulk oil terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine or bulk oil terminal operator or to the department, ~~((shall))~~ constitute a debt from the taxpayer to the marine or bulk oil

terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter ~~((shall be))~~ is guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department ~~((shall))~~ must give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department ~~((shall))~~ must provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator ~~((shall))~~ must relieve the marine or bulk oil terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section ~~((shall))~~ must be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management ~~((shall))~~ must determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and ~~((shall))~~ may not be used to challenge the validity of any tax imposed under this chapter. The office of financial management ~~((shall))~~ must promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

**Sec. 5.** RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read as follows:

The taxes imposed under this chapter ~~((shall))~~ only apply to the first receipt of crude oil or petroleum products at a marine or bulk oil terminal in this state and not to the later transporting and subsequent receipt of the same oil or petroleum product, whether in the form originally received at a marine or bulk oil terminal in this state or after refining or other processing.

**Sec. 6.** RCW 82.23B.040 and 1992 c 73 s 10 are each amended to read as follows:

Credit ~~((shall))~~ must be allowed against the taxes imposed under this chapter for any crude oil or petroleum products received at a marine or bulk oil terminal and subsequently exported from or sold for export from the state.

**NEW SECTION. Sec. 7.** Subject to the availability of amounts appropriated for this specific purpose, the department of ecology and the utilities and transportation commission shall jointly hold a symposium on oil spill prevention and response activities for international transport of liquid bulk crude oil. The department of ecology and the utilities and transportation commission must invite representatives from affected tribes, local governments, the United States government, Canadian provinces, Canada, and other appropriate stakeholders. The symposium must at a minimum address:

(1) Cooperative prevention and emergency response activities between the shared international and state borders;

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(2) Expected risks posed by transport of Canadian crude oil or liquid bulk crude oil throughout the Pacific Northwest region; and

(3) An update of the marine transport of liquid bulk crude oil through the Pacific Northwest region.

**Sec. 8.** RCW 88.40.011 and 2007 c 347 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barge" means a vessel that is not self-propelled.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

(10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

**Sec. 9.** RCW 88.46.010 and 2011 c 122 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

(a) The additional protection provided by the measures;

(b) The technological achievability of the measures; and

(c) The cost of the measures.

(2)(a) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration:

(i) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and

(ii) Processes that are currently in use.

(b) In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

(13) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who

owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(18) "Race Rocks light" means the nautical landmark located southwest of the city of Victoria, British Columbia.

(19) "Regional vessels of opportunity response group" means a group of nondedicated vessels participating in a vessels of opportunity response system to respond when needed and available to spills in a defined geographic area.

(20) "Severe weather conditions" means observed nautical conditions with sustained winds measured at forty knots and wave heights measured between twelve and eighteen feet.

(21) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(22) "Spill" means an unauthorized discharge of oil into the waters of the state.

(23) "Strait of Juan de Fuca" means waters off the northern coast of the Olympic Peninsula seaward of a line drawn from New Dungeness light in Clallam county to Discovery Island light on Vancouver Island, British Columbia, Canada.

(24) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(25) "Umbrella plan holder" means a nonprofit corporation established consistent with this chapter for the purposes of providing oil spill response and contingency plan coverage.

(26) "Vessel emergency" means a substantial threat of pollution originating from a covered vessel, including loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, and seakeeping capability.

(27) "Vessels of opportunity response system" means nondedicated boats and operators, including fishing and other vessels, that are under contract with and equipped by contingency plan holders to assist with oil spill response activities, including on-water oil recovery in the near shore environment and the placement of oil spill containment booms to protect sensitive habitats.

(28) "Volunteer coordination system" means an oil spill response system that, before a spill occurs, prepares for the coordination of volunteers to assist with appropriate oil spill response activities, which may include shoreline protection and cleanup, wildlife recovery, field observation, light construction, facility maintenance, donations management, clerical support, and other aspects of a spill response.

(29) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(30) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or

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offshore facility, the largest foreseeable spill in adverse weather conditions.

**Sec. 10.** RCW 90.56.010 and 2007 c 347 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the

purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section ~~((101(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries,

tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

**Sec. 11.** RCW 81.53.240 and 1984 c 7 s 375 are each amended to read as follows:

(1) Except to the extent necessary to permit participation by first-class cities in the grade crossing protective fund, when an election to participate is made as provided in RCW 81.53.261 through 81.53.291, or to the extent a first-class city requests to participate in the commission's crossing safety inspection program within the city, this chapter ((81.53-RCW)) is not operative within the limits of first-class cities, and does not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that a streetcar line outside of cities of the first class shall not cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the secretary of transportation, or the location of any crossing thereon adopted or approved by the department of transportation, or grant a railroad authority to cross a state highway at grade without the consent of the secretary of transportation.

(2) Within thirty days of the effective date of this section, first-class cities must provide to the commission a list of all existing public crossings within the limits of a first-class city, including over and under-crossings, including the United States department of transportation number for the crossing. Within thirty days of modifying, closing, or opening a grade crossing within the limits of a first-class city, the city must notify the commission in writing of the action taken, identifying the crossing by the United States department of transportation number. All requirements in this subsection are subject to the availability of amounts appropriated for the specific purposes described.

**Sec. 12.** RCW 38.52.040 and 2011 1st sp.s. c 21 s 27, 2011 c 336 s 789, and 2011 c 79 s 9 are each reenacted and amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not more than seventeen members who shall be appointed by the adjutant general. The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry. The representatives of private industry shall include persons knowledgeable in emergency and hazardous materials management. The councilmembers shall elect a chair from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the

improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of statewide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99-499, the emergency planning and community right-to-know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy. Subject to the availability of amounts appropriated for this specific purpose, the council must require local emergency planning organizations to submit hazardous materials plans and to update the plans on a five-year cycle for compliance review by the director. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

(3)(a) The intrastate mutual aid committee is created and is a subcommittee of the emergency management council. The intrastate mutual aid committee consists of not more than five members who must be appointed by the council chair from council membership. The chair of the intrastate mutual aid committee is the military department representative appointed as a member of the council. Meetings of the intrastate mutual aid committee must be held at least annually.

(b) In support of the intrastate mutual aid system established in chapter 38.56 RCW, the intrastate mutual aid committee shall develop and update guidelines and procedures to facilitate implementation of the intrastate mutual aid system by member jurisdictions, including but not limited to the following: Projected or anticipated costs; checklists and forms for requesting and providing assistance; recordkeeping; reimbursement procedures; and other implementation issues. These guidelines and procedures are not subject to the rule-making requirements of chapter 34.05 RCW.

**Sec. 13.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must: (a) Specify the use of the incident command system for multiagency/multijurisdiction operations; and (b) include hazardous materials plans that are updated on a five-year cycle for compliance review by the director. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may



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authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

**Sec. 14.** RCW 81.53.010 and 2013 c 23 s 302 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((The term))~~ (1) "Commission((:))" ~~((when used in this chapter,))~~ means the utilities and transportation commission of Washington.

~~((The term))~~ (2) "Highway((:))" ~~((when used in this chapter,))~~ includes all state and county roads, streets, alleys, avenues, boulevards, parkways, and other public places actually open and in use, or to be opened and used, for travel by the public.

~~((The term))~~ (3) "Railroad((:))" ~~((when used in this chapter,))~~ means every railroad, including interurban and suburban electric railroads, by whatsoever power operated, for the public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith.

The ~~((said))~~ term ~~((shall))~~ also includes every logging and other industrial railway owned or operated primarily for the purpose of carrying the property of its owners or operators or of a limited class of persons, with all tracks, spurs, and sidings used in connection therewith. The ~~((said))~~ term ~~((shall))~~ does not include street railways operating within the limits of any incorporated city or town.

~~((The term))~~ (4) "Railroad company((:))" ~~((when used in this chapter,))~~ includes every corporation, company, association, joint stock association, partnership, or person, its, their, or his or her lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any railroad ~~((as that term is defined in this section)).~~

~~((The term))~~ (5) "Over-crossing((:))" ~~((when used in this chapter,))~~ means any point or place where a highway crosses a railroad by passing above the same. "Over-crossing" also means any point or place where one railroad crosses another railroad not at grade.

~~((The term))~~ (6) "Under-crossing((:))" ~~((when used in this chapter,))~~ means any point or place where a highway crosses a railroad by passing under the same. "Under-crossing" also means any point or place where one railroad crosses another railroad not at grade.

~~((The term "over crossing" or "under crossing," shall also mean any point or place where one railroad crosses another railroad not at grade.~~

~~((The term))~~ (7) "Grade crossing((:))" ~~((when used in this chapter,))~~ means any point or place where a railroad crosses a highway or a highway crosses a railroad or one railroad crosses another, at a common grade.

(8) "Private crossing" means any point or place where a railroad crosses a private road at grade or a private road crosses a railroad at grade, where the private road is not a highway.

**NEW SECTION. Sec. 15.** A new section is added to chapter 81.53 RCW to read as follows:

(1) To address the potential public safety hazards presented by private crossings in the state and by the transportation of hazardous materials in the state, including crude oil, the commission is authorized to adopt rules governing safety standards for private crossings along the railroad tracks over which crude oil is transported in the state. The commission is also authorized to conduct inspections of the private crossings subject to this section, to order the railroads to make improvements at the private crossings, and enforce the orders.

(2) The commission must adopt rules governing private crossings along railroad tracks over which crude oil is transported in the state, establishing:

(a) Minimum safety standards for the private crossings subject to this section, including, but not limited to, requirements for signage;

(b) Criteria for prioritizing the inspection and improvements of the private crossings subject to this section; and

(c) Requirements governing the improvements to private crossings the railroad company must pay for and complete.

(3) Nothing in this section modifies existing agreements between the railroad company and the landowner governing liability for injuries or damages occurring at the private crossing.

(4) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

**NEW SECTION. Sec. 16.** (1)(a) The department of ecology must convene a panel consisting of representatives from: The oil and rail industries, businesses that are recipients of liquid bulk crude oil, Grays Harbor and Columbia river harbor safety committees, maritime fire safety associations, the United States

coast guard, Columbia river public ports in Oregon and Washington, Grays Harbor public ports, and Columbia river pilots.

(b) The panel convened under (a) of this subsection must evaluate and assess vessel traffic management and vessel traffic safety within the Columbia river and Grays Harbor.

(2) The panel shall convene no more than four times to assess and evaluate: (a) The need for tug escorts for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges; (b) best achievable protection; and (c) required tug capabilities to ensure safe escort of vessels on the Columbia river and Grays Harbor.

(3) By December 15, 2015, the department of ecology must provide to the appropriate committees of the legislature recommendations for vessel traffic management and vessel traffic safety on the Columbia river and Grays Harbor.

(4) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

**NEW SECTION. Sec. 17.** A new section is added to chapter 81.44 RCW to read as follows:

Commission employees certified by the federal railroad administration to perform hazardous materials inspections may enter the property of any business that receives, ships, or offers for shipment hazardous materials by rail. Entry shall be at a reasonable time and in a reasonable manner. The purpose of entry is limited to performing inspections, investigations, or surveillance of equipment, records, and operations relating to the packaging, loading, unloading, or transportation of hazardous materials by rail, pursuant only to the state participation program outlined in 49 C.F.R. Part 212. The term "business" is all inclusive and is not limited to common carriers or public service companies.

**Sec. 18.** RCW 81.24.010 and 2007 c 234 s 21 are each amended to read as follows:

(1) Every company subject to regulation by the commission, except those listed in subsection (3) of this section, shall, on or before the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to ~~((one))~~ two and one-half percent of its intrastate gross operating revenue. The commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section. Any railroad association that qualifies as a nonprofit charitable organization under the federal internal revenue code section 501(c)(3) is exempt from the fee required under this subsection.

(2) The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose railroad companies are classified as class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law, shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

(3) This section does not apply to private nonprofit transportation providers, auto transportation companies, charter party carriers and excursion service carriers, solid waste

collection companies, motor freight carriers, household goods carriers, commercial ferries, and low-level radioactive waste storage facilities.

**NEW SECTION. Sec. 19.** A new section is added to chapter 81.24 RCW to read as follows:

The authority of the commission to charge a railroad company a fee equal to two and one-half percent of its intrastate gross operating revenue under the authority of this chapter expires July 1, 2023.

(2) Beginning July 1, 2023, the commission is authorized to charge a railroad company a fee equal to one and one-half percent of its intrastate gross operating revenue.

**NEW SECTION. Sec. 20.** 2015 c ... s 18 (section 18 of this act) as now existing or hereafter amended, is repealed, effective July 1, 2023.

**NEW SECTION. Sec. 21.** 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."

#### MOTION

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

Beginning on page 2, line 25 of the amendment, strike all of sections 3 through 6 and insert the following:

**"Sec. 3.** RCW 82.23B.010 and 1992 c 73 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(3) "Department" means the department of revenue.

(4) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(5) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(6) "Person" has the meaning provided in RCW 82.04.030.

(7) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(8) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal in this state ~~((from a waterborne vessel or barge))~~ and who is liable for the taxes imposed by this chapter.

(9) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of ~~((travelling))~~ traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

(10) "Bulk oil terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products from a tank car or pipeline.

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(11) "Tank car" means a rail car, the body of which consists of a tank for transporting liquids.

**Sec. 4.** RCW 82.23B.020 and 2006 c 256 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; (b) crude oil or petroleum products at a bulk oil terminal within this state from a tank car; or (c) crude oil or petroleum products at a bulk oil terminal within this state from a pipeline. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car, pipeline, or waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; (b) crude oil or petroleum products at a bulk oil terminal within this state from a tank car; or (c) crude oil or petroleum products at a bulk oil terminal within this state from a pipeline. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a tank car, pipeline, or waterborne vessel or barge at the rate of ~~((four))~~ six and one-half cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter ~~((shall))~~ must be collected by the marine or bulk oil terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the ~~((imposition of the))~~ taxes imposed, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she ~~((shall))~~, nevertheless, ~~((be))~~ is personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine or bulk oil terminal operator ~~((shall))~~ relieves the owner from further liability for the taxes.

(4) Taxes collected under this chapter ~~((shall))~~ must be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected ~~((shall be))~~ is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected ~~((shall))~~ must be stated separately from other charges made by the marine or bulk oil terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes ~~((shall be))~~ are due from the marine or bulk oil terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine or bulk oil terminal operator or to the department, ~~((shall))~~ constitutes a debt from the taxpayer to the marine or bulk oil terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this

chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, ~~((shall be))~~ is guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department ~~((shall))~~ must give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department ~~((shall))~~ must provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator ~~((shall))~~ relieves the marine or bulk oil terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section ~~((shall))~~ must be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management ~~((shall))~~ must determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and ~~((shall))~~ may not be used to challenge the validity of any tax imposed under this chapter. The office of financial management ~~((shall))~~ must promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section ~~((shall))~~ must be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

**Sec. 5.** RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read as follows:

The taxes imposed under this chapter ~~((shall))~~ only apply to the first receipt of crude oil or petroleum products at a marine or bulk oil terminal in this state and not to the later transporting and subsequent receipt of the same oil or petroleum product, whether in the form originally received at a marine or bulk oil terminal in this state or after refining or other processing.

**Sec. 6.** RCW 82.23B.040 and 1992 c 73 s 10 are each amended to read as follows:

Credit ~~((shall))~~ must be allowed against the taxes imposed under this chapter for any crude oil or petroleum products received at a marine or bulk oil terminal and subsequently exported from or sold for export from the state."

Senators Ranker and McCoy spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 2, line 25 to the striking amendment to Second Substitute Senate Bill No. 5057.

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

MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the striking amendment be adopted:

On page 6, after line 17 of the amendment, insert the following:

**"NEW SECTION. Sec. 7.** A new section is added to chapter 90.56 RCW to read as follows:

(1) A facility that receives crude oil from a railroad car must provide advance notice to the department that the facility will receive crude oil from a railroad car, as provided in this section. The advance notice must include the route taken to the facility within the state, if known, and the scheduled time, location, volume, and type of crude oil received. Each week, a facility that provides advance notice under this section must provide the required information regarding the scheduled arrival of railroad cars carrying crude oil to be received by the facility in the succeeding seven-day period. A facility is not required to provide advance notice when there is no receipt of crude oil from a railroad car scheduled for a seven-day period.

(2) The department may share information provided by a facility through the advance notice system established in this section with the state emergency management division and any county, city, tribal, port, or local government emergency response agency upon request.

(3) The department must publish information collected under the advance notice system established in this section on a quarterly basis on the department's internet web site. The information published by the department must be aggregated on a statewide basis with respect to information reported under subsection (1) of this section and may include other information available to the department including, but not limited to, place of origin, modes of transport, route taken to the facility, number of railroad cars delivering crude oil, and number and volume of spills during transport and delivery. The department must ensure that information is aggregated to the extent that publication does not allow for identification of a facility.

(4) A facility providing advance notice under this section is not responsible for meeting advance notice time frame requirements under subsection (1) of this section in the event that the schedule of arrivals of railroad cars carrying crude oil changes during a seven-day period.

(5) Consistent with the requirements of chapter 42.56 RCW, the department and any state, local, tribal, or public agency that receives information provided under the advance notice system established in this section may not disclose any such information that is not aggregated and that might result in the identification of a facility. The requirement for aggregating information does not apply when information is shared by the department with emergency response agencies as provided in subsection (2) of this section.

(6) The department shall adopt rules to implement this section. The advance notice system required in this section must be consistent with the oil transfer reporting system adopted by the department pursuant to RCW 88.46.165."

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

On page 24, after line 22 of the amendment, insert the following:

**"Sec. 20.** RCW 42.56.270 and 2014 c 192 s 6, 2014 c 174 s 5, and 2014 c 144 s 6 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency

within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and

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until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

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

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; ~~((and))~~

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4); ~~((and))~~

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities; and

(23) Notices of a transfer of crude oil submitted to the department of ecology pursuant to section 7(1) of this act and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to section 7(5) of this act."

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

Senator Ericksen spoke in favor of the amendment.

POINT OF INQUIRY

Senator Kohl-Welles: "Would the good Senator yield to a question? I appreciate the intent of this amendment. I'm just wondering if the residents and businesses who are next to the railroad line would also be notified in advance. I live right down on the train track and we see oil cars going by all the time in a very congested area of Seattle."

Senator Ericksen: "Can I defer to Senator ... The answer is we have seven day advance notice of oil going to be received at a refinery now. The tricky part to your question is: The refiners don't always know the schedule of the railroad. So they don't if, they have a lapse of time but, if you've traveled on the Amtrak, you'll understand. Sometimes you have to pull over to the side while their trains pass by. There might be things that delay it for hours at a time. So the notice also, by the way, is protected by privacy statutes so first responders get the information. The public receives the aggregated information with regards to the volume moving through, in general, at the end of that time period. So, they will not get specific data with regards to an individual refineries received, accrued by rail. They will get the aggregated data."

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 6, after line 17 of the striking amendment to Second Substitute Senate Bill No. 5057.

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

MOTION

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

On page 6, after line 17 of the amendment, insert the following: "NEW SECTION. Sec. 7. A new section is added to chapter 90.56 RCW to read as follows:

(1)(a) The department must be provided prior notice before a crude oil transfer, that is regulated under this chapter and that may impact waters of the state, occurs between:

(i) A railroad, as referred to under RCW 90.56.010(11)(b), and another facility; or

(ii) A railroad, as referred to under RCW 88.40.011(7)(b), and a covered vessel.

(b) The notice required in (a) of this subsection must rely on the "advanced notice of transfer" system used by the department for transfers to or from a vessel adopted under RCW 88.46.165. The notice must include the time, location, volume, and type of oil transfer.

(c) The department must require facilities to provide information, once a week, regarding the scheduled arrivals of crude oil by rail for transfer at the facility in the succeeding

seven-day period. A facility may not be required to provide notice when there is no activity scheduled for a seven-day period. The information must include the volume and type of crude oil scheduled for arrival and the route taken to the facility within the state, if known. The department may provide this information to the state's emergency management division and to any tribal, city, county, port, or other local government emergency response agency that requests this information. This information may be used for aggregation of shipment information under subsection (3) of this section but may not otherwise be disclosed by the department, the emergency management division, or by any local government or tribal emergency response agency.

(2) Twice per year, pipelines must report to the department the type and volume of oil transported through the state. Reporting must occur each year by July 31st for the period January 1st through June 30th and by January 31st for the period July 1st through December 31st.

(3) The department shall publish data collected under subsections (1) and (2) of this section on a quarterly basis on the department's web site. Data reported with respect to oil transportation must be aggregated on a statewide basis, volume transferred, type of oil transferred, place of origin, mode of transportation, route taken to the point of transfer, number of rail cars transferring oil, and volume and number of oil spills en route to or during transfer that are reported to the department.

(4) Facilities providing information under this section are not responsible for meeting notice time frame requirements under subsection (1)(c) of this section when there are changes to the scheduled arrivals of crude oil within the seven-day period.

(5) The department shall adopt rules to implement this section."

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

Beginning on page 6, line 33 of the amendment, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 88.40.011 and 2007 c 347 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barge" means a vessel that is not self-propelled.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of advanced notice of oil transfers in section 7 of this act, facility also means a railroad that transports oil as bulk cargo.

(c) A facility does not include any: (i) ~~(Railroad car,)~~ Motor vehicle ~~(, or other rolling stock)~~ while transporting oil over the highways ~~(, or rail lines)~~ of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet

that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

(10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any kind that is liquid at ~~(atmospheric temperature)~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries,

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tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington."

Beginning on page 13, line 6 of the amendment, strike all of section 10 and insert the following:

"Sec. 10. RCW 90.56.010 and 2007 c 347 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of advanced notice of oil transfers in section 7 of this act, facility also means a railroad.

(c) A facility does not include any: (i) (~~Railroad car,~~) Motor vehicle(~~(, or other rolling stock)~~) while transporting oil over the highways (~~(or rail lines)~~) of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior

to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section ~~((101(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

(28) "Crude oil" means any naturally occurring hydrocarbons coming from the earth that are liquid at twenty-five degrees Celsius and one atmosphere of pressure including, but not limited to, crude oil, bitumen and diluted bitumen, synthetic crude oil, and natural gas well condensate."

On page 24, after line 22 of the amendment, insert the following:

"**Sec. 20.** RCW 42.56.270 and 2014 c 192 s 6, 2014 c 174 s 5, and 2014 c 144 s 6 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an

application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or



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delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

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

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information; ~~(and)~~

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4); ~~(and)~~

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities; and

(23) Notices of a transfer of crude oil submitted to the department of ecology pursuant to section 7(1)(a) of this act and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to section 7(1)(c) of this act."

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

On page 25, line 1 of the title amendment, after "88.46.010" strike all material through "section" and insert ", 38.52.040, and 42.56.270; adding new sections"

Senators Ranker and McCoy spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 6, after line 17 to the striking amendment to Second Substitute Senate Bill No. 5057.

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

#### MOTION

Senator McCoy moved that the following amendment by Senator McCoy to the striking amendment be adopted:

Beginning on page 6, line 33 of the amendment, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 88.40.011 and 2007 c 347 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barge" means a vessel that is not self-propelled.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) For the purposes of financial responsibility in RCW 88.40.025, facility also means a railroad that transports oil as bulk cargo.

(c) A facility does not include any: (i) (~~Railroad car,~~) Motor vehicle(~~(, or other rolling stock)~~) while transporting oil over the highways (~~(or rail lines)~~) of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

(10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any kind that is liquid at ~~((atmospheric temperature))~~ twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen, synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section ~~((401(14)))~~ 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who

owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(21) "Certificate of financial responsibility" means an official written acknowledgment issued by the director or the director's designee that an owner or operator of a covered vessel or facility, or the owner of the oil, has demonstrated to the satisfaction of the director or the director's designee that the relevant entity has the financial ability to pay for costs and damages caused by an oil spill."

On page 24, after line 22 of the amendment, insert the following:

**"Sec. 20.** RCW 88.40.020 and 2003 c 91 s 3 and 2003 c 56 s 3 are each reenacted and amended to read as follows:

(1) Any barge that transports hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish evidence of financial responsibility in the amount of the greater of five million dollars, or three hundred dollars per gross ton of such vessel.

(2)(a) Except as provided in (b) or (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars. The amount of financial responsibility required under this subsection is one billion dollars after January 1, 2004.

(b) The director by rule may establish a lesser standard of financial responsibility for tank vessels of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the tank vessel is capable of carrying. The director shall not set the standard for tank vessels of three hundred gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a tank vessel to prove membership in such an organization.

(3)(a) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay at least three hundred million dollars. However, a passenger vessel that transports passengers and vehicles between Washington state and a foreign country shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(b) The owner or operator of a cargo vessel or passenger vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a cargo vessel or passenger vessel to prove membership in such an organization.

(4) A fishing vessel while on the navigable waters of the state must demonstrate financial responsibility in the following amounts: (a) For a fishing vessel carrying predominantly nonpersistent product, one hundred thirty-three dollars and forty cents per incident, for each barrel of total oil storage capacity, persistent and nonpersistent product, on the vessel or one million three hundred thirty-four thousand dollars, whichever is greater; or (b) for a fishing vessel carrying predominantly persistent product, four hundred dollars and twenty cents per incident, for each barrel of total oil storage capacity, persistent product and nonpersistent product, on the vessel or six million six hundred seventy thousand dollars, whichever is greater.

~~(5) The ((documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and for necessary expenses)) certificate of financial responsibility is conclusive evidence that the person or entity holding the certificate is the party responsible for the specified vessel, facility, or oil for purposes of determining liability pursuant to this chapter.~~

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

**Sec. 21.** RCW 88.40.030 and 2000 c 69 s 32 are each amended to read as follows:

(1) Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the department of ecology: ((1)) (a) Evidence of insurance; ((2)) (b) surety bonds; ((3)) (c) qualification as a self-insurer; ((4)) (d) guaranty; (e) letter of credit; (f) certificate of deposits; (g) protection and indemnity club membership; or (h) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any covered vessel and filed with the department at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed documentation of financial responsibility with the federal government, and the level of financial responsibility required by the federal government is the same as or exceeds state requirements. The owner or operator of the vessel may file with the department a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility the same as or greater than that required under this chapter.

(2) A certificate of financial responsibility may not have a term greater than one year.

**Sec. 22.** RCW 88.40.040 and 2003 c 56 s 4 are each amended to read as follows:

~~(1) ((It is unlawful for any vessel required to have financial responsibility under this chapter to enter or operate on Washington waters without meeting the requirements of this chapter or rules adopted under this chapter, except)) A vessel or facility need not demonstrate financial responsibility under this~~

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chapter prior to using any port or place in the state of Washington or the navigable waters of the state when necessary to avoid injury to the vessel's or facility's crew or passengers. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the department to the United States coast guard.

~~(2) ((The department shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.))~~ Upon notification of an oil spill or discharge or other action or potential liability, the director shall reevaluate the validity of the certificate of financial responsibility. If the director determines that, because of a spill outside of the state or some other action or potential liability, the holder of a certificate may not have the financial resources to pay damages for the oil spill or discharge or other action or potential liability and have resources remaining available to meet the requirements of this chapter, the director may suspend or revoke the certificate.

(3) An owner or operator of more than one covered vessel, more than one facility, or one or more vessels and facilities, is only required to obtain a single certificate of financial responsibility that applies to all of the owner or operator's vessels and facilities.

(4) If a person holds a certificate for more than one covered vessel or facility and a spill or spills occurs from one or more of those vessels or facilities for which the owner or operator may be liable for damages in an amount exceeding five percent of the financial resources reflected by the certificate, as determined by the director, the certificate is immediately considered inapplicable to any vessel or facility not associated with the spill. In that event, the owner or operator shall demonstrate to the satisfaction of the director the amount of financial ability required pursuant to this chapter, as well as the financial ability to pay all damages that arise or have arisen from the spill or spills that have occurred."

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

Beginning on page 24, line 33 of the title amendment, after "81.53.010," strike "and 81.24.010" and insert "81.24.010, 88.40.030, and 88.40.040" and on page 25, line 1 of the title amendment, after "88.46.010" strike "and 38.52.040" and insert ", 38.52.040, and 88.40.020"

Senators McCoy and Nelson spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Rolfes demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McCoy on page 6, line 33 to the striking amendment to Second Substitute Senate Bill No. 5057.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Habib and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield,

Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 16, after line 16 of the amendment, insert the following:

"**Sec. 11.** RCW 88.16.170 and 1991 c 200 s 601 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river, Grays Harbor, and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Grays Harbor and Puget Sound and adjacent waters are ((a)) relatively confined salt water environments with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river, Grays Harbor, and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such ~~((tankers))~~ vessels have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river, Grays Harbor, and on Puget Sound and its shorelines by ~~((requiring all oil tankers above a certain size to employ licensed pilots and to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters))~~ establishing safety requirements that comprehensively address spill risks, which may include the establishment of tug escorts and other measures to mitigate safety risks in certain state waters.

**Sec. 12.** RCW 88.16.190 and 1994 c 52 s 1 are each amended to read as follows:

~~(1) ((Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.~~

~~(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:~~

~~(a) Shaft horsepower in the ratio of one horsepower to each two and one half deadweight tons; and~~

~~(b) Twin screws; and~~

~~(c) Double bottoms, underneath all oil and liquid cargo compartments; and~~

~~(d) Two radars in working order and operating, one of which must be collision avoidance radar; and~~

~~(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:~~

~~PROVIDED, That, if such forty to one hundred and twenty five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That))~~ Except as provided in subsection (2) of this section, an oil tanker of greater than forty thousand deadweight tons may operate in the waters described in (a) of this subsection, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs in compliance with the requirements of subsection (4) of this section.

(a) Those waters east of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area.

(b) The state board of pilotage commissioners, in consultation with the department of ecology and relying on the results of vessel traffic risk assessments, may write rules to implement this subsection (1)(b). These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges that may apply in the following areas consistent with subsections (2)(a) and (4) of this section:

(i) Within a two-mile radius of the Grays Harbor pilotage district as defined in RCW 88.16.050;

(ii) Any inland portion of the Columbia river or within three miles of Cape Disappointment at the mouth of the Columbia river; or

(iii) The waters identified in (a) of this subsection.

(c) The state board of pilotage commissioners, in consultation with the department of ecology and relying on the results of vessel traffic risk assessments, shall adopt rules by June 30, 2017, to implement this subsection (1)(c). These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges and apply in the following areas consistent with subsections (2)(a) and (4) of this section: All narrow channels of the San Juan Islands archipelago, including Rosario Strait, Haro Strait, Boundary Pass, and connected waterways.

(2)(a) If an oil tanker, articulated tug barge, or other towed waterborne vessel or barge is in ballast, the tug requirements of subsection (1) of this section do not apply.

(b) If an oil tanker is a single-hulled oil tanker of greater than five thousand gross tons, the requirements of subsection (1)(a) of this section do not apply and the oil tanker must instead comply with 33 C.F.R. Part 168, as of the effective date of this section.

(3)(a) Prior to proceeding with rule making as authorized under subsection (1)(b) and (c) of this section, the commission shall consult with the United States coast guard, the Oregon board of maritime pilots, the Puget Sound, Grays Harbor, and Columbia river harbor safety committees, area tribes, public ports in Oregon and Washington, local governments, and other appropriate entities.

(b) The department may not adopt any rules under this subsection or under subsection (1)(b) and (c) of this section until a vessel traffic risk assessment has been completed for the waters subject to the rule making. In order to adopt a rule under this

section or subsection (1)(b) and (c) of this section, the board of pilotage commissioners must determine that the results of a vessel traffic risk assessment provides evidence that the rules are necessary in order to achieve best achievable protection as defined in RCW 88.46.010.

(4) Oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges must ensure that any escort tugs they use have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker or articulated tug barge. The state board of pilotage commissioners may adopt rules to ensure that escort tugs have sufficient mechanical capabilities to provide for safe escort. Rules adopted on this subject must be designed to achieve best achievable protection as defined under RCW 88.46.010.

(5) A tanker assigned a deadweight of equal to or less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 through 88.16.190.

(6) The provisions of this section do not apply to pilotage for enrolled tankers.

(7) For the purposes of this section:

(a) "Articulated tug barge" means a tank barge and a towing vessel joined by hinged or articulated fixed mechanical equipment affixed or connecting to the stern of the tank barge.

(b) "Oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug barge tank vessel.

(c) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of traveling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine."

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

On page 24, line 32 of the title amendment, after "90.56.010," insert "88.16.170, 88.16.190,"

Senators Rolfes, Ranker and Nelson spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 16, after line 16 to the striking amendment to Second Substitute Senate Bill No. 5057.

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

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Hatfield to the striking amendment be adopted:

On page 16, after line 16 of the amendment, insert the following:

"Sec. 11. RCW 88.16.170 and 1991 c 200 s 601 are each amended to read as follows:

(1)(a) Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river, Grays Harbor, and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

(b) The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation

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channels that create the risk of an oil spill. The legislature also recognizes that Grays Harbor and Puget Sound and adjacent waters are ((#)) relatively confined salt water environments with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

(c) The legislature further recognizes that certain areas of the Columbia river, Grays Harbor, and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

(d) For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such ((tankers)) vessels have sufficient capability for rapid maneuvering responses.

(e) It is therefore the intent and purpose of this section and RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river, Grays Harbor, and on Puget Sound and its shorelines by ((requiring all oil tankers above a certain size to employ licensed pilots and to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters)) establishing safety requirements that comprehensively address spill risks, which may include the establishment of tug escorts and other measures to mitigate safety risks in certain state waters.

(2) The department of ecology may adopt rules to implement this section. These rules may include tug escort requirements and other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated, tug barges, and other towed waterborne vessels or barges that may apply in the following areas:

(a) Within a two-mile radius of the Grays Harbor pilotage district as defined in RCW 88.16.050; or

(b) Any inland portion of the Columbia river or within three miles of Cape Disappointment at the mouth of the Columbia river.

(3) Prior to proposing draft rules, the department of ecology shall consult with the Washington board of pilotage commissioners, United States coast guard, the Oregon board of maritime pilots, the Grays Harbor and Columbia river harbor safety committees, area tribes, public ports in Oregon and Washington, local governments, and other appropriate entities. The department of ecology may not adopt rules under this section until a vessel traffic risk assessment has been completed for the waters subject to rule making. In order to adopt a rule under this section, the department of ecology must determine that the results of a vessel traffic risk assessment provides evidence that the rules are necessary in order to achieve best achievable protection as defined in RCW 88.46.010.

(4) Rules adopted under this section must:

(i) Be designed to achieve best achievable protection as defined in RCW 88.46.010; and

(ii) To ensure that any escort tugs used have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker or articulated tug barge;

(iii) Ensure that escort tugs have sufficient mechanical capabilities to provide for safe escort.

(5) The provisions of this section do not apply to pilotage for enrolled tankers.

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

On page 25, line 1 of the title amendment, after "88.46.010" strike all material through "section" and insert ", 38.52.040, and 42.56.270; adding new sections"

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

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Hatfield on page 16, after line 16 to the striking amendment to Second Substitute Senate Bill No. 5057.

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

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the striking amendment be adopted:

Beginning on page 21, line 38 of the amendment, after "state" strike all material through "(4)" on page 22, line 16 of the amendment and insert ", including, but not limited to, requirements for signage.

(2) Nothing in this section modifies existing agreements between the railroad company and the landowner governing cost allocation for upgrades to private crossing or liability for injuries or damages occurring at the private crossing.

(3)"

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

Senator McCoy spoke against adoption of the amendment to the striking amendment.

#### POINT OF INQUIRY

Senator Ranker: "Would the good Chair yield to a question? Can you cite the language that states, that does not, or clarify that it doesn't strip out the inspections? My understanding from reading it and from consulting with my staff is in fact it does."

Senator Ericksen: "Thank you Senator Ranker. If I may read Madam President? This amendment authorizes the UTC to adopt rules for safety standards for private crossings along railroads tracks where crude oil is being transported including by not limited to signage requirements. Removes specific language regarding inspections and improvements of private crossings and improvements that must be completed and paid for by the railroad company. It does not remove the requirements that those things happens. It says that the railroad cannot be held solely responsible for the fiscal components for doing the improvements. So, if you have a private crossing by definition there is a private entity that benefits from the crossing, whether you're an industry group, or whatever it is, it's for the private crossing. It's not a road that the state pays for that crosses the railroad. It's one that might serve an industry so they might be also financially responsible for the improvements for that crossing and not solely the railroad. So the amendment does not take out the inspections, or the improvements, it simply clarifies the language with regards to who is financially responsible. And, if that is not accurate, we can come back and fix it but that is what we're trying to do with this and I believe that's what it actually accomplishes."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 21, line 38 to the striking amendment to Second Substitute Senate Bill No. 5057.

The motion by Senator Ericksen carried and the amendment to the striking amendment was adopted by a rising vote.

## MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen to the striking amendment be adopted:

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

**"NEW SECTION. Sec. 17.** A new section is added to chapter 88.16 RCW to read as follows:

(1)(a) The department of ecology must adopt rules for tug escort requirements or other safety measures for oil tankers of greater than forty thousand deadweight tons, all articulated tug barges, and other towed waterborne vessels or barges that may apply to an area within a two-mile radius of the Grays Harbor pilotage district as defined in RCW 88.16.050. The department of ecology may rely upon information and recommendations provided by the panel under section 16 of this act.

(b) Rules adopted under this section must:

(i) Be designed to achieve best achievable protection as defined in RCW 88.46.010;

(ii) Ensure that any escort tugs used have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker or articulated tug barge; and

(iii) Ensure that escort tugs have sufficient mechanical capabilities to provide for safe escort.

(2) The department of ecology shall not adopt rules under this section until a state agency or a local jurisdiction makes a final determination or issues a final permit after January 1, 2015, to site at Grays Harbor a new facility required to have a contingency plan pursuant to chapter 90.56 RCW or to provide authority for the first time to process or receive crude oil, to an existing facility at Grays Harbor required to have a contingency plan pursuant to chapter 90.56 RCW, other than a facility that is a pipeline."

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

On page 25, line 2 of the title amendment, after "RCW;" insert "adding a new section to chapter 88.16 RCW;"

## WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen, the amendment by Senator Ericksen on page 23, line 3 to the striking amendment to Second Substitute Senate Bill No. 5057 was withdrawn.

## MOTION

Senator Conway moved that the following amendment by Senator Conway and others be adopted:

On page 24, beginning on line 26 of the amendment, strike all of section 21 and insert the following:

**"NEW SECTION. Sec. 21.** A new section is added to chapter 81.40 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(2) "Hazardous material" means a substance or material the federal secretary of transportation has determined to be capable of posing a significant risk to health, safety, and property when transported in commerce.

(3) "Hazardous material train" means any:

(a) High-hazard flammable train as defined by the United States department of transportation as of the effective date of this section; or

(b) Train containing any of following:

(i) One or more tank car loads of poison inhalation hazard or toxic inhalation hazard, hazard zone "A," "B," "C," or "D"; anhydrous ammonia, UN1005;

(ii) Twenty car loads or intermodal portable tank loads of any combination of hazardous material; or

(iii) One or more car loads of spent nuclear fuel or high level nuclear waste.

(4) "Qualified crew member" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(5) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes the officers and agents of the railroad carrier.

**NEW SECTION. Sec. 22.** A new section is added to chapter 81.40 RCW to read as follows:

Except as provided in section 23 of this act, the following minimum crew requirements apply:

(1) Any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate all trains and switching assignments over its road with crews consisting of no less than two qualified crew members.

(2)(a) Railroad carriers shall operate all hazardous material trains over its road with crews consisting of no less than three qualified crew members. One qualified train crew member shall be assigned to a position located on the rear of the train and within rolling equipment, situated to safely observe and monitor the train's contents and movement.

(b) Railroad carriers shall operate any hazardous material trains consisting of fifty-one or more car loads of any combination of hazardous materials over its road with crews consisting of no less than four qualified crew members. Two qualified crew members shall be assigned to a position on the rear of the train and within rolling equipment, situated to safely observe and monitor the train's contents and movement.

**NEW SECTION. Sec. 23.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Trains transporting hazardous material shipments a distance of five miles or less may operate the train with the required crew members positioned on the lead locomotive.

(2)(a) Class II and class III carriers transporting fewer than twenty loaded hazardous material cars on trains operating on their road while at a speed of twenty-five miles per hour or less are exempt from the additional train crew requirements specified in section 22(2) of this act.

(b) The commission may grant exemptions to the minimum crew size requirements to class III railroad carriers that are not transporting hazardous materials on their road.

(3)(a) The commission may order class I or II railroad carriers to exceed the minimum crew size and operate specific trains, routes, or switching assignments on their road with additional numbers of qualified crew members if it is determined that such an increase in crew size is necessary to protect the safety, health, and welfare of the public and railroad employees, to prevent harm to the environment, and to address local safety and security hazards.

(b) In issuing such an order the commission may consider relevant factors including but not limited to the volatility of the commodities being transported, vulnerabilities, risk exposure to localities along the train route, security risks including sabotage or terrorism threat levels, a railroad carriers prior history of

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accidents, compliance violations, and track and equipment maintenance issues.

**NEW SECTION. Sec. 24.** A new section is added to chapter 81.40 RCW to read as follows:

(1) Each train or engine run in violation of section 22 of this act constitutes a separate offense. However, section 22 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(2) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 22 of this act shall be fined not less than one thousand dollars and not more than one hundred thousand dollars for each offense.

(3) It is the duty of the commission to enforce this section.

**NEW SECTION. Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2) RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

**NEW SECTION. Sec. 26.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 27.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015."

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

Senators Ericksen and Parlette spoke against adoption of the amendment to the striking amendment.

Senator Fraser demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Conway and others on page 6, line 33 to the striking amendment to Second Substitute Senate Bill No. 5057.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Conway to the striking amendment and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, Lias, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Pedersen, Ranker, Roach and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon and Warnick

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

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen as amended to Second Substitute Senate Bill No. 5057.

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

MOTION

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

On page 1, line 1 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 82.23B.010, 82.23B.020, 82.23B.030, 82.23B.040, 88.40.011, 90.56.010, 81.53.240, 38.52.070, 81.53.010, and 81.24.010; reenacting and amending RCW 88.46.010 and 38.52.040; adding a new section to chapter 90.56 RCW; adding a new section to chapter 81.53 RCW; adding a new section to chapter 81.44 RCW; adding a new section to chapter 81.24 RCW; creating new sections; repealing 2015 c ... s 18; and providing an effective date."

On page 25, line 1 of the title amendment, after "88.46.010" strike all material through "section" and insert ", 38.52.040, and 42.56.270; adding new sections"

On page 25, line 3 of the title amendment, after "81.24 RCW;" strike the remainder of the title and insert "adding new sections to chapter 81.40 RCW; creating new sections; repealing RCW 81.40.010 and 81.40.035; repealing 2015 c ... s 18; prescribing penalties; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Sheldon, Brown and Baumgartner spoke in favor of passage of the bill.

Senators McCoy, Ranker, Hargrove, Fraser, Kohl-Welles and Nelson spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5057.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5057 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5057, 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 Fain, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 9, 2015

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5889  
and the same is herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MOTION

At 8:04 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Tuesday, March 10, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate





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