

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 18, 2018

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 16, 2018

SB 5592 Prime Sponsor, Senator Palumbo: Decoupling services and activities fees from tuition. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Billig; Brown; Carlyle; Conway; Darneille; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Becker and Hasegawa.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 5683 Prime Sponsor, Senator Saldaña: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5683 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 5689 Prime Sponsor, Senator Wellman: Establishing a statewide policy supporting Washington state's economy and

immigrants' role in the workplace. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5689 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

January 17, 2018

SB 5780 Prime Sponsor, Senator Darneille: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Referred to Committee on Ways & Means.

January 17, 2018

SB 5841 Prime Sponsor, Senator Cleveland: Concerning worker safety on roadways and roadsides. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6009 Prime Sponsor, Senator Takko: Authorizing the issuance of personalized collector vehicle license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6012 Prime Sponsor, Senator King: Allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6012 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice

Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; McCoy; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6013 Prime Sponsor, Senator Frockt: Concerning behavioral rehabilitation services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

Referred to Committee on Ways & Means.

January 17, 2018

SB 6111 Prime Sponsor, Senator Wilson: Defining "willful" in the chapter regarding abuse of vulnerable adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6143 Prime Sponsor, Senator Takko: Concerning unit priced contracting by cities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6182 Prime Sponsor, Senator Takko: Addressing noncollection of taxes by county treasurers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6183 Prime Sponsor, Senator Takko: Regarding foreclosure and distraint sales of manufactured/mobile or park model homes. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6183 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member; Angel and Liias.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6184 Prime Sponsor, Senator Wellman: Adding part-time employees to state civil service. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

Referred to Committee on Labor & Commerce.

January 17, 2018

SB 6222 Prime Sponsor, Senator Carlyle: Concerning expansion of extended foster care eligibility. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 17, 2018

SB 6227 Prime Sponsor, Senator Keiser: Concerning workplace injuries by janitors. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6231 Prime Sponsor, Senator Kuderer: Concerning the statute of limitations for unfair labor practice complaints filed in superior court. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 17, 2018

SB 6280 Prime Sponsor, Senator Darneille: Issuing an identicard for offenders released from prison facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Transportation.

January 17, 2018

SB 6393 Prime Sponsor, Senator Braun: Allowing the department to use a different assumption for annual investment

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

returns for the reserve funds for self-insured and state fund pension claims. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa, Vice Chair; Braun; King; Kuderer; Saldaña and Wilson.

Referred to Committee on Ways & Means.

January 16, 2018

SGA 9025 CAROL A. LIEN, appointed on July 8, 2013, for the term ending March 1, 2019, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

January 17, 2018

SGA 9206 EVELYN P. YENSON, reappointed on September 19, 2016, for the term ending September 25, 2020, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 17, 2018

SGA 9260 ELYSE M. BALMERT, appointed on April 3, 2017, for the term ending April 15, 2022, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 16, 2018

SGA 9271 ALEJANDRO J. SANCHEZ, appointed on May 9, 2017, for the term ending February 28, 2021, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

January 16, 2018

SGA 9291 GREG B. MARKLEY, appointed on July 3, 2017, for the term ending December 31, 2018, as Member of the State Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Billig; Brown; Carlyle; Conway; Darneille; Fain; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

January 17, 2018

SGA 9303 CHERYL STRANGE, appointed on September 18, 2017, for the term ending at the governors pleasure, as Secretary of the Department of Social and Health Services - Agency Head. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

January 17, 2018

SGA 9312 JENNIFER J. RANCOURT, reappointed on September 18, 2017, for the term ending September 25, 2021, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O'Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE HOUSE

January 17, 2018

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8407, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 17, 2018

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1506,
HOUSE BILL NO. 2007,
ENGROSSED HOUSE CONCURRENT RESOLUTION
NO. 4400,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6455 by Senators Fortunato and Warnick

AN ACT Relating to minimum liability insurance coverage for certain towing expenses; and amending RCW 46.29.090.

Referred to Committee on Financial Institutions & Insurance.

SB 6456 by Senators Conway, Bailey, Hobbs and Zeiger

AN ACT Relating to the protection of military installations operated by the United States armed services from incompatible development; amending RCW 36.70A.530 and 47.80.030; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Local Government.

SB 6457 by Senator Conway

AN ACT Relating to actions arising out of real estate appraisal activity; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Labor & Commerce.

SB 6458 by Senators Billig, Mullet, Wellman, Rolfes and Lias

AN ACT Relating to providing school districts with authority to impose an additional enrichment levy amount to fund high quality early learning programs; amending RCW 84.52.0531 and 28A.500.015; adding a new section to chapter 84.52 RCW; creating new sections; and providing effective dates.

Referred to Committee on Ways & Means.

SB 6459 by Senators Frockt, Rivers and Hobbs

AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330 RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6460 by Senators Fain, Wellman, Hunt and Short

AN ACT Relating to supporting student achievement through public school libraries; amending RCW 28A.150.260; adding new sections to chapter 28A.300 RCW; and providing an expiration date.

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

SB 6461 by Senators Conway, Padden, Chase, O'Ban and Baumgartner

AN ACT Relating to employee benefits provided by the school employees' benefits board; amending RCW 41.05.050; and creating a new section.

Referred to Committee on Ways & Means.

SB 6462 by Senator Angel

AN ACT Relating to the seller's real estate disclosure regarding oil tank insurance; adding a new section to chapter 64.06 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6463 by Senators Ranker and Frockt

AN ACT Relating to creating the tiered taxation on hazardous substance possession to provide for the current program's immediate needs and a more stable source of revenue in the future act of 2018; amending RCW 82.21.030; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6464 by Senators Zeiger, O'Ban, Saldaña and Dhingra

AN ACT Relating to studying the cliff effect in the working connections child care program; creating a new section; and providing an effective date.

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

SB 6465 by Senator O'Ban

AN ACT Relating to requiring a regional transit authority to receive additional approval from voters if the cost to complete a regional transit system plan approved by voters in 2016 increases beyond fifty-four billion dollars or any additions or subtractions of projects or significant project scope when compared to the system plan are made; adding a new section to chapter 81.112 RCW; and creating new section.

Referred to Committee on Transportation.

SB 6466 by Senator O'Ban

AN ACT Relating to standardizing practices relating to the commitment and release of persons committed to a state institution after committing acts of felony violence; amending RCW 10.77.084, 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 10.77.152, 71.24.470, 71.24.385, 72.09.370, and 10.77.163; reenacting and amending RCW 71.05.320 and 71.05.425; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 6467 by Senators Darneille and O'Ban

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

AN ACT Relating to families in need of services; adding new sections to chapter 74.15 RCW; adding a new chapter to Title 13 RCW; repealing RCW 13.32A.010, 13.32A.015, 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.080, 13.32A.082, 13.32A.084, 13.32A.085, 13.32A.086, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.125, 13.32A.128, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.178, 13.32A.179, 13.32A.180, 13.32A.190, 13.32A.191, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.200, 13.32A.205, 13.32A.210, 13.32A.250, 13.32A.270, and 13.32A.300; prescribing penalties; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Human Services & Corrections.

SB 6468 by Senators Braun, Frockt, Fain, Darneille, Rolfes, Walsh, Becker, Brown, Zeiger, Billig, Warnick and Honeyford

AN ACT Relating to expanding community-based behavioral health facilities through issuance of state bonds; adding a new chapter to Title 43 RCW; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 6469 by Senators Palumbo and Frockt

AN ACT Relating to opioid overdose medication at kindergarten through twelfth grade schools and higher education institutions; amending RCW 28A.210.260 and 28A.210.270; adding new sections to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6470 by Senators Becker, Keiser, Rivers, Bailey, Brown and Cleveland

AN ACT Relating to health carrier provider networks; amending RCW 48.43.510; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6471 by Senators Keiser, Walsh, Rolfes, Dhingra and Bailey

AN ACT Relating to developing model policies to create workplaces that are safe from sexual harassment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6472 by Senators McCoy and Cleveland

AN ACT Relating to Indian health care in Washington state; amending RCW 38.52.040, 41.05.690, and 70.320.020; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

SB 6473 by Senators Liias and Wagoner

AN ACT Relating to preventing fires in rental dwelling units; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SJM 8015 by Senators Frockt, Wellman, Conway, Hunt, Cleveland, Chase, Hasegawa, Mullet, Kuderer, Ranker, Takko, Saldaña, Billig, Keiser, Rolfes, Pedersen, Nelson, Darneille, McCoy, Liias and Van De Wege
Concerning census funding.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6455 which was designated to the Committee on Transportation and referred to the Committee on Financial Institutions & Insurance.

MOTION

At 12:05 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:40 p.m. by President Habib.

The Sergeant at Arms Color Guard consisting of Interns Mr. John Socha and Miss Kaylee Ditlefson, presented the Colors. Miss Kaylee Ditlefson led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Warnick, 13th Legislative District, Kittitas, Lincoln and parts of Grant and Yakima counties.

MOTION

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

MESSAGES FROM THE HOUSE

January 18, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080,
ENGROSSED HOUSE BILL NO. 1128,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,
ENGROSSED HOUSE BILL NO. 1571,
SUBSTITUTE HOUSE BILL NO. 1655,
SUBSTITUTE HOUSE BILL NO. 2016,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

January 18, 2018

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 1080 by House Committee on Capital Budget (originally sponsored by Representatives Tharinger and DeBolt)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150, 43.99G.170, and 43.99G.180; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Placed on 2nd reading calendar.

EHCR 4400 by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton

Naming the 1063 Building "The Helen Sommers Building." (REVISED FOR ENGROSSED: Naming the 1063 Building "Helen Sommers Building.")

Placed on 2nd reading calendar.

MOTION

On motion of Senator Liias, under suspension of the rules Engrossed Second Substitute House Bill No. 1080 and Engrossed House Concurrent Resolution No. 4400 were placed on the second reading calendar.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Joel Sacks, Senate Gubernatorial Appointment No. 9004, be confirmed as a Director of the Department of Labor and Industries.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF JOEL SACKS

The President declared the question before the Senate to be the confirmation of Joel Sacks, Senate Gubernatorial Appointment No. 9004, as a Director of the Department of Labor and Industries.

The Secretary called the roll on the confirmation of Joel Sacks, Senate Gubernatorial Appointment No. 9004, as a Director of the Department of Labor and Industries and the appointment was confirmed by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig,

Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger
Voting nay: Senators Angel and Schoesler

Joel Sacks, Senate Gubernatorial Appointment No. 9004, having received the constitutional majority was declared confirmed as a Director of the Department of Labor and Industries.

MOTION

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

SECOND READING

SENATE BILL NO. 6091, by Senators Van De Wege, Rolfes and Frockt

Ensuring that water is available to support development.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6091 was substituted for Senate Bill No. 6091 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following striking amendment no. 347 by Senators Van De Wege and Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1

Sec. 101. RCW 19.27.097 and 2015 c 225 s 17 are each amended to read as follows:

(1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. ~~((In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.))~~ An application for a water right shall not be sufficient proof of an adequate water supply.

(b) In a water resource inventory area with rules adopted by the department of ecology pursuant to section 202 or 203 of this act and the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with the specific applicable rule requirements: 5 (Stillaguamish); 17 (Quilcene-Snow); 18 (Elwha-Dungeness); 27 (Lewis); 28 (Salmon-Washougal); 32 (Walla Walla); 45

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

(Wenatchee); 46 (Entiat); 48 (Methow); and 57 (Middle Spokane).

(c) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with section 202 of this act, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(d) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with section 203 of this act, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(e) In water resource inventory areas 37 (Lower Yakima), 38 (Naches), and 39 (Upper Yakima), the department of ecology may impose requirements to satisfy adjudicated water rights.

(f) Additional requirements apply in areas within water resource inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated by chapter 173-503 WAC, as a result of *Swinomish Indian Tribal Community v. Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

(g) In other areas of the state, physical and legal evidence of an adequate water supply may be demonstrated by the submission of a water well report consistent with the requirements of chapter 18.104 RCW.

(h) For the purposes of this subsection (1), "water resource inventory areas" means those areas described in chapter 173-500 WAC as of the effective date of this section.

(2) In addition to other authorities, the county or city may impose additional requirements, including conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

(3) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of enterprise services to mediate or, if necessary, make the determination.

~~((3))~~ (4) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

(5) Any permit-exempt groundwater withdrawal authorized under RCW 90.44.050 associated with a water well constructed in accordance with the provisions of chapter 18.104 RCW before the effective date of this section is deemed to be evidence of adequate water supply under this section.

NEW SECTION. Sec. 102. A new section is added to chapter 36.70A RCW to read as follows:

For the purposes of complying with the requirements of this

chapter relating to surface and groundwater resources, a county or city may rely on or refer to applicable minimum instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW. Development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.

NEW SECTION. Sec. 103. A new section is added to chapter 36.70 RCW to read as follows:

For the purposes of complying with the requirements of this chapter, county development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.

Sec. 104. RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

(4) If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW is

sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision under this chapter.

PART 2

NEW SECTION. Sec. 201. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of ecology.
- (2) "Lead agency" has the same meaning as defined in RCW 90.82.060.
- (3) "Water resource inventory area" or "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on the effective date of this section.

NEW SECTION. Sec. 202. (1) Unless requirements are otherwise specified in the applicable rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this section.

(2) In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have completed a watershed plan adopted under chapter 90.82 RCW, the department shall work with the initiating governments and the planning units described in chapter 90.82 RCW to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(3) In the water resource inventory areas listed in subsection (2) of this section, the lead agency shall invite a representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area to participate as part of the planning unit.

(4)(a) In collaboration with the planning unit, the initiating governments must update the watershed plan to include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Watershed plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

(b) At a minimum, the watershed plan must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the planning unit determines to be necessary to offset

potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the updated watershed plan, the department must determine that actions identified in the watershed plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

(d) The watershed plan may include:

- (i) Recommendations for modification to fees established under this subsection;
- (ii) Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (5) of this section for withdrawals exempt from permitting;
- (iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or
- (iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(e) Any modification to fees collected under subsection (5) of this section or standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (5) of this section for withdrawals exempt from permitting may not be applied unless authorized by rules adopted under this chapter or under chapter 90.54 RCW.

(5) Until an updated watershed plan is approved and rules are adopted under this chapter or chapter 90.54 RCW, a city or county issuing a building permit under RCW 19.27.097(1)(c), or approving a subdivision under chapter 58.17 RCW in a watershed listed in subsection (2) of this section must:

- (a) Record relevant restrictions or limitations associated with water supply with the property title;
- (b) Collect applicable fees, as described under this section;
- (c) Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;
- (d) Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection;
- (e) Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department;
- (f) Until rules have been adopted that specify otherwise, require the following measures for each new domestic use that relies on a withdrawal exempt from permitting under RCW 90.44.050:
 - (i) An applicant shall pay a fee of five hundred dollars to the permitting authority;
 - (ii) An applicant may obtain approval for a withdrawal exempt from permitting under RCW 90.44.050 for domestic use only, with a maximum annual average withdrawal of three thousand gallons per day per connection.

(6) Rules adopted under this chapter or under chapter 90.54 RCW may:

- (a) Rely on watershed plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;
- (b) Rely on projects identified in the watershed plan to offset consumptive water use; and
- (c) Include updates to fees based on the planning unit's determination of the costs for offsetting consumptive water use.

(7)(a) If a watershed plan that meets the requirements of this section is not adopted in water resource inventory area 1 (Nooksack) by February 1, 2019, the department must adopt rules for that water resource inventory area that meet the requirements of this section by August 1, 2020.

(b) If a watershed plan that meets the requirements of this

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

section is not adopted in water resource inventory area 11 (Nisqually) by February 1, 2019, the department must adopt rules for that water resource inventory area that meet the requirements of this section by August 1, 2020.

(c) The department must adopt rules that meet the requirements of this section for any of the following water resource inventory areas that do not adopt a watershed plan that meets the requirements of this section by February 1, 2021: 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(8) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. Sec. 203. (1) Unless requirements are otherwise specified in the applicable rules adopted under this chapter or chapter 90.22 or 90.54 RCW, potential impacts on a closed water body and potential impairment to an instream flow are authorized for new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 through compliance with the requirements established in this section.

(2)(a) In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have either not adopted a watershed plan, or adopted a partial watershed plan, under chapter 90.82 RCW, the department shall establish watershed restoration and enhancement committees in the following water resource inventory areas: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(b) The department shall chair the watershed restoration and enhancement committee and invite the following entities to participate:

(i) A representative from each federally recognized Indian tribe that has reservation land within the water resource inventory area;

(ii) A representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area;

(iii) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(iv) A representative designated by each county within the water resource inventory area;

(v) A representative designated by each city within the water resource inventory area;

(vi) A representative designated by the largest irrigation district within the water resource inventory area;

(vii) A representative designated by the largest publicly owned water purveyor providing water within the water resource inventory area that is not a municipality;

(viii) A representative designated by a local organization representing the residential construction industry within the water resource inventory area;

(ix) A representative designated by a local organization representing environmental interests within the water resource inventory area; and

(x) A representative designated by a local organization representing agricultural interests within the water resource inventory area.

(3) By June 30, 2021, the department shall prepare and adopt a watershed restoration and enhancement plan for each watershed listed under subsection (2)(a) of this section, in collaboration with the watershed restoration and enhancement committee. Except as described in (h) of this subsection, all members of a watershed restoration and enhancement committee must approve the plan prior to adoption.

(a) The watershed restoration and enhancement plan should include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes but is not limited to such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance stream flows and not result in negative impacts to ecological functions or critical habitat.

(b) At a minimum, the plan must include those actions that the committee determines to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the committee determines to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the watershed restoration and enhancement plan, the department must determine that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

(d) The watershed restoration and enhancement plan must include an evaluation or estimation of the cost of offsetting new domestic water uses over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(e) The watershed restoration and enhancement plan must include estimates of the cumulative consumptive water use impacts over the subsequent twenty years, including withdrawals exempt from permitting under RCW 90.44.050.

(f) The watershed restoration and enhancement plan may include:

(i) Recommendations for modification to fees established under this subsection;

(ii) Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting;

(iii) Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or

(iv) Other approaches to manage water resources for a water resource inventory area or a portion thereof.

(g) After adoption of a watershed restoration and enhancement plan, the department shall evaluate the plan recommendations and initiate rule making, if necessary, to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW. Any modification to fees collected

under subsection (4) of this section or standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than authorized under subsection (4) of this section for withdrawals exempt from permitting may not be applied unless authorized by rules adopted under this chapter or under chapter 90.54 RCW.

(h) If the watershed restoration and enhancement committee fails to approve a plan by June 30, 2021, the director of the department shall submit the final draft plan to the salmon recovery funding board established under RCW 77.85.110 and request that the salmon recovery funding board provide a technical review and provide recommendations to the director to amend the final draft plan, if necessary, so that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area. The director of the department shall consider the recommendations and may amend the plan without committee approval prior to adoption. After plan adoption, the director of the department shall initiate rule making within six months to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended rules within two years of initiation of rule making.

(4)(a) Until a watershed restoration and enhancement plan is approved and rules are adopted under subsection (3) of this section, a city or county issuing a building permit under RCW 19.27.097(1)(d), or approving a subdivision under chapter 58.17 RCW in a watershed listed in subsection (2)(a) of this section must:

(i) Record relevant restrictions or limitations associated with water supply with the property title;

(ii) Collect applicable fees, as described under this section;

(iii) Record the number of building permits issued under chapter 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW subject to the provisions of this section;

(iv) Annually transmit to the department three hundred fifty dollars of each fee collected under this subsection;

(v) Annually transmit an accounting of building permits and subdivision approvals subject to the provisions of this section to the department;

(vi) Until rules have been adopted that specify otherwise, require the following measures for each new domestic use that relies on a withdrawal exempt from permitting under RCW 90.44.050:

(A) An applicant shall pay a fee of five hundred dollars to the permitting authority;

(B) Except as provided in (b) of this subsection, an applicant may obtain approval for a withdrawal exempt from permitting under RCW 90.44.050 for domestic use only, with a maximum annual average withdrawal of nine hundred fifty gallons per day per connection; and

(C) An applicant shall manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development techniques, or pursuant to stormwater management requirements adopted by the local permitting authority, if locally adopted requirements are more stringent.

(b) Upon the issuance of a drought emergency order under RCW 43.83B.405, the department may curtail withdrawal of groundwater exempt from permitting under RCW 90.44.050 and approved under this subsection (4) to no more than three hundred fifty gallons per day per connection for indoor use only. Notwithstanding the limitation to no more than three hundred fifty gallons per day per connection for indoor use only, an applicant may use groundwater exempt from permitting to maintain a fire control buffer during a drought emergency order.

(5) Rules adopted under this chapter or chapter 90.54 RCW

may:

(a) Rely on watershed restoration and enhancement plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed restoration and enhancement plan to offset consumptive water use; and

(c) Include updates to fees based on the watershed restoration and enhancement committee's determination of the costs for offsetting consumptive water use.

(6) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. Sec. 204. (1) The department shall initiate two pilot projects to measure water use from all new groundwater withdrawals for domestic purposes exempt from permitting under RCW 90.44.050 in the areas described in this section. The pilot projects must be conducted to determine the overall feasibility of measuring water use for all new groundwater withdrawals. The department must purchase and provide meters to be used in the pilot projects. The pilot projects must be conducted in the area under the Dungeness water rule, chapter 173-518 WAC, within water resource inventory area 18 and the area in which the Kittitas county water bank program operates within water resource inventory area 39.

(2) At a minimum, the pilot project must address the following:

(a) Initial and on-going costs, including costs to local government and the department;

(b) Technical, practical, and legal considerations that must be addressed;

(c) The costs and benefits of a water use measurement program relying on individual meters versus a water management program that estimates permit-exempt groundwater withdrawals; and

(d) Measures to protect the privacy of individual property owners and ensure accurate data collection.

(3) The department shall report on the pilot project results in the report to the legislature submitted under section 205 of this act. The department shall include recommendations to the legislature, including estimated program costs for expanding the pilot projects to other basins.

NEW SECTION. Sec. 205. The department shall submit a report to the legislature by December 31, 2020, and December 31, 2027, in compliance with RCW 43.01.036, that includes the following elements:

(1) Progress in completing and adopting watershed plans under section 202 of this act and watershed restoration and enhancement plans under section 203 of this act;

(2) A description of program projects and expenditures;

(3) An assessment of the streamflow restoration and enhancement benefits from program projects;

(4) A listing of other efforts or actions taken associated with streamflow restoration and enhancement, projects to benefit instream resources, and other directly related watershed improvements conducted in coordination with the restoration and enhancement planning process;

(5) The total number of new withdrawals exempt from

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

permitting under RCW 90.44.050 authorized in each water resource inventory area under provisions of sections 202 and 203 of this act, and estimates of consumptive water use impacts associated with the new withdrawals; and

(6) A description of potential or planned projects, including projected costs and anticipated streamflow, water supply, and watershed health benefits.

NEW SECTION. Sec. 206. (1) The watershed restoration and enhancement account is created in the custody of the state treasurer. All receipts from fees paid pursuant to sections 202 and 203 of this act must be deposited into the account. The account may also receive those moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in sections 202 and 203 of this act. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed planning projects under section 202 of this act and watershed restoration and enhancement projects under section 203 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Fee revenues collected under sections 202 and 203 of this act must be used exclusively within the water resource inventory area in which the fee originated. The restriction in this subsection does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under sections 202 and 203 of this act.

NEW SECTION. Sec. 207. (1) The watershed restoration and enhancement taxable bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

NEW SECTION. Sec. 208. (1) The watershed restoration and enhancement bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using tax exempt bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

PART 3

NEW SECTION. Sec. 301. (1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a mitigation sequencing process and scoring system to address such appropriations, and to review the Washington supreme court decision in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015).

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

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department, appointed by the director of the department;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations;

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the Northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee.

Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7)(a) By November 15, 2019, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036.

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

(c) Where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. Out-of-kind mitigation may include instream or out-of-stream measures that improve or enhance existing water quality, riparian habitat, or other instream functions and values for which minimum instream flows or closures were established in that watershed.

(9) The department must monitor the implementation of the pilot projects, including all mitigation associated with each pilot project, approved under this section at least annually through December 31, 2028.

(10) The pilot projects eligible for processing under this section, based on criteria as of the effective date of this section, include:

(a) A city operating a group A water system in Kitsap county and water resource inventory area 15, with a population between 13,000 and 14,000;

(b) A city operating a group A water system in Pierce county and water resource inventory area 10, with a population between 9,500 and 10,500;

(c) A city operating a group A water system in Thurston county and water resource inventory area 11, with a population between 8,500 and 9,500;

(d) A nonprofit mutual water system operating a group A water system in Pierce county and water resource inventory area 12, with between 10,500 and 11,500 service connections; and

(e) An irrigation district located in Whatcom county and water

resource inventory area 1, solely for the purpose of processing changes of water rights from surface water to groundwater, and implementing flow augmentation to benefit instream flows.

(11) Water right applicants eligible to be processed under this pilot project authority must elect to be included in the pilot project review by notifying the department by July 1, 2018. Once an applicant notifies the department of its intent to be processed under this pilot project authority, subsection (8) of this section applies to final decisions issued by the department, even if such a final decision is issued after the expiration of this section.

(12) By November 15, 2018, the department must furnish the task force with information on conceptual mitigation plans for each water resource mitigation pilot project application.

(13) To ensure that the processing of pilot project applications can inform the task force process in a timely manner, the department must expedite processing of applications for water resource mitigation pilot projects. The applicant for each pilot project must reimburse the department for the department's costs of processing the applicant's application.

(14) The water resource mitigation pilot project authority granted to the department does not affect or modify any other procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that apply to the processing of such applications.

(15) The joint legislative task force expires December 31, 2019.

(16) This section expires January 1, 2029.

Sec. 302. RCW 90.03.247 and 2003 c 39 s 48 are each amended to read as follows:

(1) Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to: (a) Protect the levels or flows; or (b) require water resource mitigation of impacts to instream flows and closed surface water bodies for water resource mitigation pilot projects authorized under section 301 of this act.

(2) No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to ((RCW 77.55.100 and)) chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of ((community, trade, and economic development)) commerce, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fish and wildlife, the department of ((community, trade, and economic development)) commerce, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fish and wildlife, the department of ((community, trade, and economic development)) commerce, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.

Sec. 303. RCW 90.03.290 and 2001 c 239 s 1 are each amended to read as follows:

(1) When an application complying with the provisions of this chapter and with the rules of the department has been filed, the

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(2)(a) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(b) For any application for which a preliminary permit was issued and for which the availability of water was directly affected by a moratorium on further diversions from the Columbia river during the years from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If such an application and preliminary permit were canceled during the moratorium, the application and preliminary permit shall be reinstated until June 30, 2002, if the application and permit: (i) Are for providing regional water supplies in more than one urban growth area designated under chapter 36.70A RCW and in one or more areas near such urban growth areas, or the application and permit are modified for providing such supplies, and (ii) provide or are modified to provide such regional supplies through the use of existing intake or diversion structures. The authority to modify such a canceled application and permit to accomplish the objectives of (b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or

condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

(5) The requirements of subsections (1) and (3) of this section do not apply to water resource mitigation pilot projects for which permits are issued in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under section 301 of this act.

NEW SECTION. Sec. 304. The legislature intends to appropriate three hundred million dollars for projects to achieve the goals of this act until June 30, 2033. The department of ecology is directed to implement a program to restore and enhance stream flows by fulfilling obligations under this act to develop and implement plans to restore stream flows to levels necessary to support robust, healthy, and sustainable salmon populations.

NEW SECTION. Sec. 305. Sections 201 through 208 and 301 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 306. 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. 307. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, beginning on line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 19.27.097, 58.17.110, 90.03.247, and 90.03.290; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an expiration date; and declaring an emergency."

MOTION

Senator Fortunato moved that the following amendment no. 349 by Senator Fortunato to striking amendment no. 347 be adopted:

On page 12, line 21 of the amendment, after "authority;" insert "and"

On page 12, beginning on line 25 of the amendment, after "connection" strike all material through "stringent" on line 30

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

Senator Van De Wege spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 349 by Senator Fortunato on page 12, line 21 to striking amendment no. 347.

The motion by Senator Fortunato did not carry and amendment no. 349 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 348 by Senator Ericksen to striking amendment no. 347 be adopted:

Beginning on page 14, line 30 of the amendment, strike all of sections 206, 207, and 208 and insert the following:

NEW SECTION. Sec. 206. (1) The watershed restoration and enhancement account is created in the state treasury. All receipts from fees paid pursuant to sections 202 and 203 of this act must be deposited into the account. The account may also receive those moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in sections 202 and 203 of this act. Moneys from the account may only be spent after appropriation. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed planning projects under section 202 of this act and watershed restoration and enhancement projects under section 203 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act.

(2) Fee revenues collected under sections 202 and 203 of this act must be used exclusively within the water resource inventory area in which the fee originated. The restriction in this subsection does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under sections 202 and 203 of this act.

NEW SECTION. Sec. 207. (1) The watershed restoration and enhancement taxable bond account is created in the state treasury. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided for in this section.

(2) Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

NEW SECTION. Sec. 208. (1) The watershed restoration and enhancement bond account is created in the state treasury. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. Moneys in the account may be spent only after appropriation. The account is intended to fund projects using tax exempt bonds. Expenditures from the account may be used only as provided for in this section.

(2) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such

as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act."

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

Senator Van De Wege spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 348 by Senator Ericksen on page 14, line 30 to striking amendment no. 347.

The motion by Senator Ericksen did not carry and amendment no. 348 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 350 by Senator Fortunato to striking amendment no. 347 be adopted:

On page 15, line 4 of the amendment, after "act." insert "Expenditures must include compensation to individuals with an on-site septic system for the value of the water recharged to the natural system through the on-site septic system. The department must make the determination of the amount due to such individuals based on the water resource inventory area in which the individual resides on an annual basis."

On page 15, line 34 of the amendment, after "act." insert "Expenditures must include compensation to individuals with an on-site septic system for the value of the water recharged to the natural system through the on-site septic system. The department must make the determination of the amount due to such individuals based on the water resource inventory area in which the individual resides on an annual basis."

On page 16, line 17 of the amendment, after "act." insert "Expenditures must include compensation to individuals with an on-site septic system for the value of the water recharged to the natural system through the on-site septic system. The department must make the determination of the amount due to such individuals based on the water resource inventory area in which the individual resides on an annual basis."

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

Senator Van De Wege spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 350 by Senator Fortunato on page 15, line 4 to striking amendment no. 347.

The motion by Senator Fortunato did not carry and amendment no. 350 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 347 by Senators Van De Wege and Warnick to Substitute Senate Bill No. 6091.

The motion by Senator Van De Wege carried and striking amendment no. 347 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 6091 was advanced to third reading, the second reading considered the third and the bill was

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

placed on final passage.

Senators Van De Wege, Warnick and Fortunato spoke in favor of passage of the bill.

Senators McCoy, Bailey and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Becker, Billig, Braun, Brown, Carlyle, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Rivers, Rolfes, Schoesler, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Bailey, Baumgartner, Chase, Cleveland, Dhingra, Hasegawa, Hunt, McCoy, Pedersen, Ranker, Saldaña, Sheldon, Wagoner and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, 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 Liias, Engrossed Substitute Senate Bill No. 6091 was immediately transmitted to the House of Representatives.

MOTION

At 7:28 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 7:52 p.m. by President Habib.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080, by House Committee on Capital Budget (originally sponsored by Representatives Tharinger and DeBolt)

Concerning state general obligation bonds and related accounts.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Second Substitute House Bill No. 1080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

Senator Ericksen spoke on final passage of the bill.

MOTION

At 7:54 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:25 p.m. by President Habib.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1080.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1080 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford and Padden

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080, 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. 6090, by Senators Frockt, Honeyford, Mullet, Darneille, Liias, Palumbo, Takko, Keiser, Van De Wege, Hunt, Nelson, Dhingra, Chase, Saldaña, Rolfes, McCoy, Carlyle, Wellman, Ranker and Kuderer

Concerning the capital budget.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6090 was substituted for Senate Bill No. 6090 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Honeyford, Wagoner and Mullet 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. 6090.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6090 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, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias,

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6090, 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 Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Brian Bonlender, Senate Gubernatorial Appointment No. 9006, be confirmed as a Director of the Department of Commerce.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Bailey, Senator Ericksen was excused.

APPOINTMENT OF BRIAN BONLENDER

The President declared the question before the Senate to be the confirmation of Brian Bonlender, Senate Gubernatorial Appointment No. 9006, as a Director of the Department of Commerce.

The Secretary called the roll on the confirmation of Brian Bonlender, Senate Gubernatorial Appointment No. 9006, as a Director of the Department of Commerce and the appointment was confirmed by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Braun, Padden and Schoesler

Excused: Senator Ericksen

Brian Bonlender, Senate Gubernatorial Appointment No. 9006, having received the constitutional majority was declared confirmed as a Director of the Department of Commerce.

THIRD READING

ENGROSSED SENATE BILL NO. 5375, by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden, Zeiger, Ranker, Darneille, Palumbo, Pedersen, Pearson, Frockt and Hasegawa

Renaming the cancer research endowment authority to the Andy Hill cancer research endowment.

The bill was read on Third Reading.

Senators Fain, Cleveland, Liias, Ranker and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 5375, 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 Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6018, by Senators Mullet, Carlyle, Palumbo, Frockt, Rolfes, Hunt, Fain, Keiser, Van De Wege, Hasegawa, Nelson, Pedersen and Kuderer

Concerning security freeze fees charged by consumer reporting agencies.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following amendment no. 345 by Senators Baumgartner and Mullet be adopted:

On page 9, after line 1, insert the following:

"NEW SECTION. Sec. 3. The office of cybersecurity, the office of privacy and data protection, and the attorney's general office must work with stakeholders to evaluate the impact to consumers and the consumer reporting agencies regarding the modifications in this act. The report must include trends in data breaches including the frequency and nature of security breaches, best practices for preventing cybersecurity attacks, identity theft mitigation services available to consumers, and identity theft mitigation protocols recommended by the federal trade commission, the consumer financial protection bureau, and other relevant federal or state agencies. The report must be submitted to the house of representatives committee on business and financial services and the senate committee on financial institutions and insurance by December 1, 2020."

ELEVENTH DAY, JANUARY 18, 2018

2018 REGULAR SESSION

On page 1, line 1 of the title, after "freezes;" strike "and"
 On page 1, line 2 of the title, after "19.182.230" insert "; and creating a new section"

MOTION

Senators Baumgartner and Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 345 by Senators Baumgartner and Mullet on page 9, after line 1 to Senate Bill No. 6018.

The motion by Senator Baumgartner carried and amendment no. 345 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Senate Bill No. 6018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6018.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6018 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Fortunato and Warnick

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 6018, 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.

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

MESSAGE FROM THE HOUSE

January 18, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091.
 and the same is herewith transmitted.

NONA SNELL, 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:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091.

MOTION

At 9:03 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:08 p.m. by President Habib.

MOTION

At 9:09 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, January 19, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

1080-S2E	Second Reading	16
Introduction & 1st Reading.....	6	
Messages	5	
Other Action.....	6	
Second Reading	15	
Third Reading Final Passage	15	
1128-E		
Messages	5	
1196-SE		
Messages	5	
1239-SE		
Messages	5	
1506-S2		
Messages	4	
1571-E		
Messages	5	
1655-S		
Messages	5	
2007		
Messages	4	
2016-S		
Messages	5	
4400-E		
Introduction & 1st Reading.....	6	
Messages	4	
Other Action.....	6	
4413		
Messages	5	
5375-E		
Third Reading	16	
Third Reading Final Passage	16	
5592		
Committee Report.....	1	
5683		
Committee Report.....	1	
5689		
Committee Report.....	1	
5780		
Committee Report.....	1	
5841		
Committee Report.....	1	
6009		
Committee Report.....	1	
6012		
Committee Report.....	1	
6013		
Committee Report.....	2	
6018		
	Second Reading	16
6018-E		
Third Reading Final Passage	17	
6090		
Second Reading	15	
6090-S		
Second Reading	15	
Third Reading Final Passage	16	
6091		
Second Reading	6	
6091-S		
Second Reading	6, 13, 14	
6091-SE		
Messages	17	
Other Action.....	15	
President Signed.....	17	
Third Reading Final Passage	15	
6111		
Committee Report.....	2	
6143		
Committee Report.....	2	
6182		
Committee Report.....	2	
6183		
Committee Report.....	2	
6184		
Committee Report.....	2	
6222		
Committee Report.....	2	
6227		
Committee Report.....	2	
6231		
Committee Report.....	2	
6280		
Committee Report.....	2	
6393		
Committee Report.....	2	
6455		
Introduction & 1st Reading.....	4	
Other Action.....	5	
6456		
Introduction & 1st Reading.....	4	
6457		
Introduction & 1st Reading.....	4	
6458		
Introduction & 1st Reading.....	4	
6459		
Introduction & 1st Reading.....	4	

6460	Introduction & 1st Reading..... 4	Introduction & 1st Reading..... 5
6461	Introduction & 1st Reading..... 4	8407
6462	Introduction & 1st Reading..... 4	Messages 3
6463	Introduction & 1st Reading..... 4	9004 Sacks, Joel
6464	Introduction & 1st Reading..... 4	Confirmed 6
6465	Introduction & 1st Reading..... 4	9006 Bonlender, Brian
6466	Introduction & 1st Reading..... 4	Confirmed 16
6467	Introduction & 1st Reading..... 4	9025 Lien, Carol A.
6468	Introduction & 1st Reading..... 5	Committee Report..... 3
6469	Introduction & 1st Reading..... 5	9206 Yenson, Evelyn P.
6470	Introduction & 1st Reading..... 5	Committee Report..... 3
6471	Introduction & 1st Reading..... 5	9260 Balmert, Elyse M.
6472	Introduction & 1st Reading..... 5	Committee Report..... 3
6473	Introduction & 1st Reading..... 5	9271 Sanchez, Alejandro J.
8015		Committee Report..... 3
		9291 Markley, Greg B.
		Committee Report..... 3
		9303 Strange, Cheryl
		Committee Report..... 3
		9312 Rancout, Jennifer J.
		Committee Report..... 3
		CHAPLAIN OF THE DAY
		Senator Warnick..... 5
		FLAG BEARERS
		Ditlefson, Miss Kaylee..... 5
		Socha, Mr. John 5
		GUESTS
		Ditlefson, Miss Kaylee (Pledge of
		Allegiance)..... 5