

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 7, 2018

The Senate was called to order at 8:16 a.m. by the President of the Senate, Lt. Governor Habib presiding.

MOTION

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

MOTION

At 8:16 a.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 8:42 a.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2334,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

E2SHB 2334 by House Committee on Appropriations
(originally sponsored by Representatives Sawyer and Kloba)

AN ACT Relating to the regulation of the use of cannabinoid additives in marijuana products; reenacting and amending RCW 69.50.101 and 69.50.325; adding a new section to chapter 69.50 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2580 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Lytton, Fey and Doglio)

AN ACT Relating to promoting renewable natural gas; amending RCW 82.04.260, 82.08.900, 82.08.962, 82.12.900, 82.12.962, 84.36.635, and 82.29A.135; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 8:43 a.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 11:05 a.m. by President Habib. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Abigail Kay and Mr. Kartal Kaya, presented the Colors.

Mr. Kevin Rautenberg led the Senate in the Pledge of Allegiance.

The prayer was offered by Imam Azam Akram of the Ahmadiyya Muslim Community Center, Lynnwood.

PERSONAL PRIVILEGE

Senator Baumgartner: "May I read from Rule 33 before I begin, Mr. President?"

President Habib: "You may."

Senator Baumgartner: "Okay. The question of privilege shall involve only subject matter which affects the particular Senator or person in a matter unique or peculiar to that Senator."

President Habib: "Please state your point of personal privilege."

Senator Baumgartner: "Thank you Mr. President. I'd like to rise and express my great admiration for the people of this body and the great opportunity it was for me to serve as a Senator amongst you. If I may continue and say a few more things Mr. Senator, or, Mr. President?"

President Habib: "Please proceed."

Senator Baumgartner: "Thank you very much everyone. As I've, I think as most of you know, I'll be doing something a little different next year and just wanted to say a few words of gratitude. I was gonna tell a few stories, but I know the, there's a lot going on here so I might tell one or two but not as many as I might have, but. You know, when I first saw this building from the outside I was in, I think, 8th grade doing Future Problem Solvers Academic Competition. And we would drive over to Port Townsend and you would get a real exciting moment when you're sitting in the back of a long yellow school bus with your friends on this long road trip from eastern Washington and you see the dome as you went by. And that's what the Capitol looked like. And when I first did the job application part of this process I came over here but did not go inside the building. And I figured "well, if I actually am elected State Senator at some point, I'll go inside the building and they'll be out figure out, well, what might I find

while I was in there?” And then when I finally got the opportunity to come inside this building it was on my honeymoon of all things. My wife and I had gotten married right nearing the middle of our election and, of all the places we wanted to go, we really wanted to go to Yemen because my wife had been there twice and there was an island called Socotra off the coast of Yemen that’s kinda like the Galapagos of the Red Sea. And she thinks it’s wonderful and we really wanted to go but because she was an immigrant and we’d gone through the process of getting the fiancée visa she couldn’t actually travel outside of the country for that period. Instead we decided to go down to the Oregon Coast, which I always thought would be a good marketing slogan for them, “if you can’t get to Yemen, come to Oregon Coast”. But, at any event, we were coming down and I got to come inside the building and, I went and looked for the first time, walking around upstairs and I saw all these pictures and I saw one Senator, somebody in a Senator’s office, and I was really excited to announce who I was. And I say “Hey I’m Mike Baumgartner, I just won election to the Senate”. And to my surprise, it was a Senator who had just lost and was packing boxes and on the way out but we had a nice conversation. And then I looked at the pictures on the walls of the Senate that hang up above the hallways and I thought to myself “who are these people? I have no idea who any of these people are”. And then I’ve always, since I’ve been working here, thought “well someday everyone will have no idea who I, or the next Senator who comes in while we’re switching boxes, you know, and they’re coming out, and that’s a process and that’s how it should work. But when I did finally get the chance to come inside this building I found just something very, very amazing, which is you guys and the hard work you do for the people of Washington and what you do, the sacrifices you make to serve the people. Certainly all of us come with different goals and all of us come with different, I think the similar goal in mind, but a different process to get there and for all how much we fight out here I can’t tell you how much I respect you. Now I was going to, I think every going away speech should have a little Seinfeld in it and I was thinking about the Festivus and the airing of grievances and feats of strength but I would just like to make a couple suggestions as I head out the door. One of them would be, I have not written a speech down, I’ve written three speeches down in the last eight years but I don’t think being a Senator should be a performance art. So I wish you guys would change the rules that you could actually read a speech on the Senate Floor. They’re your rules, you gotta change it. You know, if that’s the best way to represent your district, change the rules, you know, not everybody’s as comfortable with public speaking as others. The second thing that I wanted just to really strongly encourage you guys on is let be this be the greatest bastion of free speech in the state. You know, this is where the people’s business is supposed to be done, I think it’s okay if you yell and argue sometimes I have no doubt that you can move beyond these and sometimes the only thing that bothers me out here is when people use the rules I think to shut down legitimate debate. I once told a story of my father as a kid growing up the son of a General Motors factory worker out in Pontiac outside of Detroit and how he liked professional wrestling as a kid and he once got to go to professional wrestling match on tour and he was really excited they were in a high school gym and these two wrestlers were in there slugging the heck out of each other and then eventually my dad had to go use the bathroom in the gym locker room and those same two wrestlers were in the back room having a beer talking to each other. And of course, that’s not to say anything we do out here is fake, it is not, it is of the highest integrity, but I also know that regardless what happens out here you guys will be down in that Senate Dining Room so it’ll be okay to get mad at each other out here. And then just a final suggestion I have is just be so proud of the work that you

continue to do. When people talk to me about running for office I tell them that ultimately it’s up to them whether they get to run, and it’s up to the people whether they get to decide, but they should be oh so proud that they have the courage to try. And the story I’ll tell actually involves a palace that both myself and Senator Steve Hobbs have been inside of in Baghdad and when I got to be there it was with General David Patreus right at the start of the Iraq, the offense of the Iraq surge in late May or early June of 2007. And that was when we had reversed strategy in Iraq and decided to put more soldiers in, more Marines in, and more civilians like myself to do whatever the things we do. So Patreus had a bunch of senior military officers together and you know of all the, I’ve worked with a lot of impressive people in life, the most impressive is Father Mike Schultheis, this Jesuit in Africa but Patreus would be near the top and he got all these senior military officers together and he gave this speech about we’re gonna take the fight to Al-Qaeda in jyashillmahty 11:17:25 and these groups and it was one of these classic general speech, you know, couldn’t be four-star general unless you could really rock the room with a speech like that and the words he left to us as he was giving this speech is, he talked about how proud we should be there to be in the battle and be in the fight. And then he got out Teddy Roosevelt’s man in the arena speech that he gave in Paris in 1911 and of course, and then he read it to us, and of course that speech, to paraphrase, and I won’t read the whole thing, says “it’s not the critic that counts it’s the man or the woman in the arena that knows the highest of the highs and lowest of the lows that’s covered with blood sweat and tears and is, and that those cowards that critique from the, from the stands will never know the highest of the highs and the lowest of the lows and to be so proud. So, to you, be very, very proud. I have a parting gift for all of you. I thought it was really nice that Jim Hargrove gave all of us Bibles when he left. I can’t afford that but what I do have, if you ever came into my office I started, just as a way to save, put something on the wall and to save kind of a documentation of what happened here I started putting newspaper articles and covers of papers and stuff that had significant things, usually involving me, but significant things on the wall so if you’ve seen that on my wall and so all those frames are coming down now but I’m going to be giving each of you a picture of you with Teddy and that man in the arena speech on there. So I know in this era of political correctness there’s somebody out there that doesn’t like Teddy Roosevelt just let me know, I don’t want to cause any embarrassment, I happen to like the guy, but, in any event, you’ll get that, that Teddy Roosevelt speech there as well too and my, as a sign of adoration for you. I always also kinda always thought it’d be a nice tradition here if we traded ties like they do in soccer games. You know, at the end of the soccer match you trade, sorry, if anybody wants to trade a tie I’ll give you a tie. Ladies you want a scarf, I’ll get you a scarf. Okay. And then just the final thing I’ll say, and I apologize for taking so long, but the final thing I’ll say is when I came here I used to think about three young boys that I had met in my life as a reason to be in public service. And the first young boy I met was when I was in Mozambique the year that I spent with the Jesuits getting to do volunteer work and having the time of my life, and there were some street children in downtown Beira in Mozambique that had it very, very tough. I mean it is very tough to be a street kid and to be poor wherever you are in the world I promise you it is really really really tough in Mozambique. And these kids sometimes, when I used to go to this chicken restaurant there was this group of street children that would follow you after you came out of the chicken restaurant hoping they could get your scraps of chicken like leftover bread or a bone to suck the marrow out of and in there. And it was interesting to be with the Jesuits because there was no social safety net in Mozambique so the church would pick up a lot of

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

the work and a lot of people would just come to our door. But any event, I knew these street kids or had seen them before and one day I had come out of that chicken restaurant and ate my food and there was some leftover and I gave it to all these, these kids had come, street kids, with nothing, in tattered clothes, no shoes, nothing. And one little kid came behind them, and this was a young man that had no hands and the reason he had no hands was because he was working for a shopkeeper once and he stole from him. So that shopkeeper, to punish him, had tied him and beat him and left him tied up, cut off the circulation of both his arms so now he was a street kid in Mozambique with no arms. So when that day they came up he was asking me for food and I had already given it out to the other kids that were already very hungry and he looked at me and I thought “good grief” and then I watched as he turned to one of those other kids and that kid looked at him and started feeding him with bread that I had leftover into his mouth. Now if you’re a Catholic, or somebody of a certain particular religious faith you might see some religious symbolism in that act, but even if you’re not, you can think about what is our role, at least I do every day here to serve the poorest of the poor and the neediest of the neediest and even though we don’t have the same views all the time about how to get to helping people like that, I do know that you all keep it in mind. It’s one thing that gives me great assurance as I leave here. The second young man I just talk about real very briefly is a young man I met when I was in Iraq. The single worst thing I ever saw, or knew about when I was in Iraq was one day Al-Qaeda put two, put bombs on two mentally ill ladies, or mentally handicapped special needs ladies, and sent them in to kids market and popped off the bombs and killed a bunch of kids in a pet market on a Friday, I mean, if that’s not evil I don’t know what is. But there was a young man that was there who kinda got blown sideways and had a lot of problems with his intestines but there was a great American civilian State Department officer named Dan Bisby that I was friends with who, the, her, his, the boy’s aunt called Dan cause she was an Iraqi government official. Dan got her into the special American hospital and they saved that kid’s life. So a couple months later Dan invited me to be there when the kid came in on crutches to thank the doctors that saved his life and he broke into tears saying “thank you America, thank you America, thank you America” and holding up an American flag. And I think about what our country represents and what we represent here as part of that process and it is so special and there is no doubt, while we did not get everything correct, that it is on the side of the good guys. So I think that a lot as well too as I leave here that you guys will carry on that tradition and the final little boy, of course, that I used to think about when I did this process was my first son Conrad. So when I came here and we were giving out our freshman gifts on the Senate Floor I gave you guys bottles of wine and then my wife was pregnant at the time and I gave you guys little lumps of coal cause I said I wanted to be home before, my wife was due in June, and I wanted to be home before he, she gave birth, thank you. And so, since that process and holding Conrad, you know I thought about what future he was gonna inherit and I very much appreciate the kindness that you guys have shown my family this year. Thank you very much for allowing me to serve with you.”

PERSONAL PRIVILEGE

Senator Billig: “Thank you Mr. President. And I would like to take a moment to thank my friend from the 6th District for his friendship and for his partnership on so many things we’ve worked together on for Spokane and for, really, the whole state. He was such a, and is such a champion for the medical school in, in Spokane that is gonna make such a positive impact not only on

the health care delivery for Eastern Washington, our whole state, but also for the economic development in, in, in our state. He was also such a leader in the transportation package and I, one of the things that I really appreciate about Senator Baumgartner is his political courage. That he will do what is right above what somebody tells him he’s supposed to do or what some conventional wisdom of what somebody might need to do in his position and he sees something that’s right and then shows leadership and we don’t always agree on what he thinks is right, in fact we often disagree. But he does have political courage and he is a person of extreme principle. So I appreciate that partnership and working together on behalf of Spokane but I also have really appreciated the friendship, hearing his stories. I walked by, we were, there was a high school class from Spokane here and he was speaking with them, this is just last week, and I came in right after him, I walk in and this is what I hear “and lo and behold, I was then working for the crown prince of Bahrain” and that was just a perfect Senator Baumgartner line to hear, like, if I was imitating Senator Baumgartner, that’s the line I would have used, and he was using it when I walked in. But he has great stories, which I always appreciate. And then the other thing is we live in the same neighborhood so we see each other in Spokane. And so I very much appreciate his beautiful family and I’ve enjoyed getting to know them, and I look forward, you used the Seinfeld reference to the, with Festivus, and so I look forward to us gathering around the Festivus pole together with our families and continuing our friendship even if you have moved on from the State Senate. Thank you.”

PERSONAL PRIVILEGE

Senator Schoesler: “Well thank you Mr. President. When I had my first meeting with then prospective Senator Baumgartner at the Landmark Hotel in downtown Spokane little did I know that the 9th District was getting a second Senator because for many years his mother had hollered at me at the Johnson parade every year “all day kindergarten, all day kindergarten”. I’m glad we passed that just to get his mother off my case. And finding out his dad had a lot of interests I share, pillars of the community, that when his old town of Colton and Pullman needed a friend, Michael Baumgartner remembered where he came from. We shared that deep personal friendship with the late Dr. Elson Floyd that we, think we were both thought we were both Elson’s best friend because everybody wanted to be Elson Floyd’s best friend. And I think the single most unselfish act I’ve seen in recent years was when Michael Baumgartner said you know, it’s okay if Marcus Riccelli’s bill is the vehicle that starts the medical school, I don’t have to have my name on it, I want that medical school. That unselfish act in the Spokane community for our friend, the late Dr. Floyd, was an act of character that I can admire as a member of this institution. So, I wish Michael the best in the future. I look forward to getting my Spokane County property tax statement from him and hopefully it’s not going up too fast. Thank you.”

PERSONAL PRIVILEGE

Senator Keiser: “Thank you. It has been such an experience to serve as the ranking member first couple of years with Senator Baumgartner and then to sort of switch roles in the committee and I want to say one of the reasons we have developed such a rapport is because Senator Baumgartner has an open mind. He is willing to listen to new ideas, he’s willing to, has he, has he mentioned have hearings on bills he knew he didn’t support and he knew his caucus wouldn’t support, but he was willing to discuss the issues,

bring them forward, hear people out. And that kind of open mind is so important because that's how we learn things. And one of the best things about this job we have is we learn a new thing or two every day. It's been a pleasure to serve with you Michael, it's been a pleasure to work with you, and even though we are diametrically opposed on some issues I respect you and I know you respect me. Thank you."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, it's been an honor to meet Senator Baumgartner and I'm gonna say this from the bottom of my heart, I really have enjoyed working with you for these years. I remember when Senator Baumgartner got onto the Health Care Committee, Mr. President, and we'd see him once in a while but not all the time and it was mainly for the, for the Washington State University Medical Center. But then he started coming a lot more, and just this year he said to me he didn't realize how hard it was on the medical committee and all of the issues that we have to face and I'm saying medical but it's healthcare, but to learn that he also thought it was hard when I think that Senator Baumgartner's probably one of the smartest people down here. I will tell you he lets you know it in a lot of different ways every day as well. And if you think he's kind of a smart aleck out here I can tell you he's really kind of a smart aleck, and I'm cleaning up my words, in caucus. But it's made caucus fun, and it's made caucus, I think what I like about him in caucus is that he'll bring up something that we'll never think of I mean, he'll always have a different view point and he shares it. But I also remember from the, from, when his wife was pregnant the first time and we threw a baby shower for her and she said they didn't do baby showers in England and it was really a new experience for her and how excited Michael Baumgartner's been with the birth of each and every one of his children and just watching him go through his role in parenthood. But watching him mature and, and grow in this role, I'm gonna miss him. I'm gonna miss him terribly. So I guess I'm gonna have to do more trips over to Spokane, they, good shopping over there, but it would be so much fun to go over and see you, but in caucus I don't think it's gonna be the same and, Mr. President, he will be sorely missed. Thank you."

PERSONAL PRIVILEGE

Senator Hobbs: "Well, course I've gotta say goodbye to my good friend, Michael Baumgartner. You've been a very good friend even when you first came here in 2010 I know Hatfield and I did a little thing on you and all the 2010 freshmen that came in here, I think it was the spice, spice boys. I can't remember which spice you were but I know one Senator that's no longer here was old spice, I remember that. I, there's a lot of things I'm gonna miss about you, there's a lot of things I'm gonna miss about you, cause as you heard before, you do compromise, you are willing to negotiate. Now, you have to get through all of the Molotov cocktails and the anger tweets and all that, but once you get through all that, he is willing to compromise, he's done that several occasions and I learned my lesson when Hatfield and I were trying to stop a bill, I think it was an environmental bill actually, and out of the blue we did not count on Michael Baumgartner's vote for said bill and it went through so we've learned our lesson on that one but it did show you that he is willing to compromise on many issues. One thing that I really admire about him is his ties to his community. Now, before I say this I want you to know that this is totally by accident but I, I actually went to a Michael Baumgartner fundraiser. Again, this side of the aisle, it was an accident. There was a convention in

Spokane and I happened to, I wanted to get dinner, and I went to this restaurant and there was a Michael Baumgartner fundraiser and it was amazing how many people in the different community all around the community was there, Republican and Democrat who was there supporting Michael Baumgartner. So, I had to admire that, but at the same time, being a good Democrat I did eat his food and not leave a check. So I felt really good about that. What I love about Michael is his, his empathy. I know sometimes you may not think that because of some of the tweets, especially the one yesterday that was a good one. You know, when I, I've, there have been a couple of times I've been down and he came up to me and he said some really nice words and checked up on me a couple times and I really appreciate that, Michael, for being there. Now of course, in the course of this, at the end you go you know, and if you haven't seen The Matrix you probably won't understand this, but there's a, there's a scene where Neo's offered the red pill or the blue pill. Right? So he's saying all you gotta do Steve is take the red pill, things will be better. I must admit, there were times when I picked up that red pill and looked at it but I set it back down, I put it back down. So, I'm, I'm gonna miss a lot about you. Let me, let me just go through the things that I won't miss so let's go through the bad stuff first. I won't miss your Molotov cocktails. I won't miss that. I won't miss your, I'm assuming you're gonna wear it tomorrow but you have this Sine Die suit I think you're gonna wear, it's, it's horrible. I don't know why you wanna embarrass yourself by that and just a warning, I plan to take a picture of that and sending it to your opponent if you're running for county treasurer. It's a horrible suit, don't do it. I won't miss your roll calls. That's, that sucks when he does that, but at the same time, when he does it, which I get great enjoyment out of, is when Senator Fain is like, just has this exasperated look is like "we didn't plan that." So I, I do kind of enjoy that part. I, I am, the things I won't, or, I will miss about you, again, is your ability to compromise. You're, man, you're just such a strong family man, I really admire that about you. How much you care about your family and there were times where you just, you know, that, that's, that, for you, that's number one. And I think it's probably guided you in your decision of leaving this place, leaving this minimum security prison. I'm glad somebody's escaped. And, of course, just the friendship. I think we've developed a very strong friendship over the course of these years and I hope we can maintain that when you, when you leave. So, again, I wish you well, good luck. But don't, don't stop tweeting, those are very entertaining."

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So I want to rise and briefly say a few words about my friend Michael Baumgartner, most of which has been said and I'll be relatively brief, but I think it's important, I mean, Mike has been wonderful to work with in many ways, more wonderful maybe on this side of the aisle, I don't know, but he's, it's really been inspirational to me, I mean, he's an eloquent speaker as we heard earlier, he's an entertaining speaker, as we've heard often. I'm not being a person gifted with story-telling ability, I've always marveled at his story telling ability and thoroughly enjoyed it. I greatly appreciate and I'll greatly miss that. He's also been very insightful, folks don't often realize this, but he thinks hard about things and really thinks about them in an open way. And, and this is a, and as example, he promotes ideas and sometimes those ideas turn into bills. Sometimes they're bills for him, sometimes they're bills for others, frankly, on either side of the aisle. I'll use higher ed as an example. Michael was among the very first to promote the idea of reducing college tuition and focusing on higher ed. Folks hadn't thought about that and what it would do, what it

would mean to the average citizen of the State of Washington. And he promoted that idea and he did it in the form of a bill, but more importantly, he promoted it in a, in a thoughtful, articulate way that connected and I think we can all agree, I hope we can all agree, that it truly connected with the citizens of the State of Washington and for me, that's a reminder that ideas matter. That thinking through things and applying our principles to the problems we face today matters and nobody did it better than Michael. So the next thing I wanted to mention, and he's talked about this, he is a very, clearly, a, a family man. His kids, we both have four kids, I, his, he's about fifteen years behind, but every time he talks of his kids it's so obvious the pure pleasure he gets out of his family. The love of his family. And I remember when our kids, my wife and I, our kids were that age and how at the time sometimes it seemed pleasurable. Now it seems like it was all pleasurable, frankly, it seemed like a wonderful time. But it helps, you know it's just inspiring that, that, it's very much a point of connection to, to live through that period, lots of kids running around the house and all the chaos and pure enjoyment that brings and every time I talk to Michael about his family I come away happier, let's just put it that way. And then finally, Michael was a man of principles and this is probably the thing I admire more than anything else, and it's not principles and it's not ideological. As we said before, he's willing to think about, has been willing to think about, ideas and how we might solve hard problems we all face. Knowing his principles, grounded in those principles, but open to how do we get to solving the problem and I think, but, also rooted in not be willing to deviate from those principles as we solve that problem and for me that's been especially important I tend to be a bit pragmatic, I want to solve the problem and uncle freedom back there has always pulled me back to principles and say yeah we want to solve the problem but we wanna do it based on our principles, we wanna do it the way we can be proud of it long-term. And I really, really appreciate so Michael thank you very much for your service to this body, to our state, to our constituents, it's been a very much a pleasure to serve with you and best of luck as the next treasurer for the Spokane County. Thank you."

PERSONAL PRIVILEGE

Senator Hasegawa: "Excuse me. So, yeah I had the privilege I guess you could call it to serve as ranking member in Commerce and Labor back in the day to Senator Baumgartner when he was chairing it and I went in with somewhat mixed feelings into that job but as we got a chance to work through a lot of the issues and confront some of the problems, you know, there's probably no one on the other side of the aisle that's more diametrically, philosophically different than myself but we always found ways to work together on issues and I actually consider Senator Baumgartner an ally on many different things like on, as Senator Braun mentioned, higher ed stuff and lowering tuition that you worked on and racial justice stuff. A very principled man on racial justice. So I appreciate having that opportunity to work with you but I just wanted to remind you all, especially your thoughtful consideration of moving the state bank bill out of Financial Institutions Committee. The one person that I knew had given a good consideration that, so I just want to remind you that the person you're replacing as Spokane County Treasurer is a very strong supporter of a publicly owned state bank so you should take lessons from him when you go over there and get some tutoring. Good luck though, it was really a pleasure to get to know you, you're a, you're a good friend. Thank you Michael."

PERSONAL PRIVILEGE

Senator Bailey: "Thank you very much. Really, many things have already been said about Senator Baumgartner and I won't try to repeat those other than just echo my agreement. A man of principle, very tenacious. When he decides he wants something, I, I, don't get in his way, he's going to work everything he can to make it happen. My first experience here with Senator Baumgartner was as Chair of Higher Education and I had never even served in Higher Education Committee in the House in the ten years I was in the House. Senator Baumgartner was not only just a true friend during that transition, but also someone that I learned to really respect in his thought processes of the things that were going on. I don't know if he remembers it but the words "medical school" kept coming out constantly and I really wasn't sure exactly what it was that he was wanting but every sentence ended in "Spokane medical school" and so it was really kind of fun to see how he promoted certain things that he needed and wanted for his constituents. The, the one thing that I really ought, actually began to also appreciate was his tenaciousness around being very supportive of me in that position knowing that it was brand new for me and I will be eternally grateful for that. But he has one of the best sense of humors that I have ever come across. I, I, I could tell you right now, he could dream up things that no one else would think about and then whisper that in your ear when you're trying to be prepared to do a speech in committee and, just, it's all I could do to just stay focused on some of the things I needed to think about. I don't know if you remember that, but it, I will truly miss him. He's a man of faith, he's a man of principle, and he will leave a big hole in this body and we will miss him."

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. It has been an honor and a privilege to serve with Senator Hollywood, oh, I mean Baumgartner. Between the ascots and the bow ties, the Molotov cocktails, and the heartfelt speeches, you have taught every single one of us so very much and it has been truly an honor."

PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President. Well, a lots been said and I won't repeat all of it, but I just want to say to my friend Mike Baumgartner, and I consider him a personal friend, people, I tell people back in my district, you know, they'll say you know "I heard Baumgartner on the radio, he's crazy" and I say "well, yeah" but, but, but he, he, he's actually an interesting thinker and you can talk to him and I'd say you know, we've worked together on a lot of things, I consider him a personal friend and I do. My first, I guess consciousness of the force that is Mike Baumgartner was at the end of the twelfth, the infamous, or famous ninth order in 2012, depending on your perspective where Mike stood up and said at the end of that very contentious debate "we won, you lost, deal with it." And I remember thinking everybody was very upset and emotional and I remember thinking to myself you know, I actually enjoyed this debate, I wasn't really happy with the outcome but I actually enjoyed it because I actually felt we were debating real issues and real differences and real policies and I've always enjoyed that and I thought you know what, that's what happens, so sometimes that's the way it goes, we won, you lost, and you have to deal with it and maybe that'll happen later today, I don't know, but, he said quietly."

President Habib: "Senator Frockt, careful."

Senator Frockt: “I, I want, I wanted to say, you know I appreciate your free thinking, your open mindedness, I think your leadership on ban the box was really, really important on that issue. I think that your leadership on higher education, I’ve used your line quite a lot, when you said “higher education around here is everyone’s third priority and we need to make it the first priority” and I think that your leadership and those of Senator Braun and others, you know we talked about it but there was some good work that was done on the other side and then you worked with us to come up with a policy that worked and I was really appreciative of that. But your leadership on higher ed has been great. And I’d say lastly I just wanna say I’m really happy that we’ve always agreed on the role of the Supreme Court and education funding and I know that, I know that deep in your heart you knew that I was right on the Supreme Court’s role in education funding and what we had to, had to get done but I’m gonna miss working with you, I hope you’ll stay in touch, I hope you’ll come see me in Seattle and we can go buy some very expensive ice cream and tomorrow night I will trade ties with you if you want to do that. Thanks.”

PERSONAL PRIVILEGE

Senator Angel: “Well I’m gonna make it short and sweet. You are a rock star and we’re gonna miss the heck out of you. Love you.”

PERSONAL PRIVILEGE

Senator Hunt: “Well we’ve had a lot of good things said about Senator Baumgartner but there’s one thing that we have not heard of and that’s the fact that Senator Baumgartner is a great WSU Cougar and it’s been a pleasure working with him and talking Cougar football and Cougar sports and there have been several times where he said “you know there’s this WSU event in Seattle tonight, lets sneak out and go to that and they’ll never miss us.” Well we never quite did that but it’s been a real pleasure working with you on that as a Cougar fan and also serving with you and being your next door neighbor up on the fourth floor so best of luck to you.”

PERSONAL PRIVILEGE

Senator Ericksen: “Why thank you Mr. President, just rising to talk about Senator Baumgartner for a second because with Senator Baumgartner, it’s always about the story and when you went into his office you saw that because he spoke of it earlier, he had all those newspaper stories and all the cut outs of himself that he had all over his wall, that when you walked in there you were basically faced with a wall of pictures of Mike Baumgartner of different stories, you know, from his life. And we hear it on the Floor also, the stories about his time serving our country whether it’s overseas serving people in the Catholic Church or it’s about the story. And it’s an amazing thing and that’s something we can take to ourselves I think on the Floor here today is we hear the stories from both Republicans and Democrats of how Mike has touched their lives over his course of eight years in such a special way. I think we’re just, it’s an interesting thing is we’re all cogs in the machine, we come here and we do our time but really I think for Mike Baumgartner to go from being you know, in Iraq, being in Mozambique, being in all over the world, coming back to Spokane then becoming a Senator. When you just think about that for a second, how does that story happen? The guy didn’t even live in the district when he ran for election and he got elected in Spokane. But this is another other one of the stories as you look at what happened with Mike so I think we’re just privileged for

the past eight years that we have been able to be a part of that story also in his life and he shared it with us so I think that’s something for us to take to heart also as we go on, it’s about living the story and living in a positive way and how it impacts your life but to have that opportunity to be able to go out and do the next best thing which I think has always been Mike’s philosophy what’s the next cool story I can have in my life with my family and we just wish you the best and hope you can keep on creating those amazing stories and we’ll read about them and I’m sure when we visit your office wherever it ends up being next we will see plenty of pictures of you that tell the story.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you all for these wonderful points and I just wanted to add one thing. There is a, cause Senator Baumgartner’s grasp of my ancestral language, Persian Farsi is I think better than mine of German, which I’m guessing is Senator Baumgartner’s but I will say I imagine in German there is a word that captures the feeling of a presiding officer when Senator Baumgartner wants to be recognized to speak. And that word, I think only German would have this, would have a word for this, it’s a mixture of the anticipation of frustration and the anticipation of amusement at the same time because I never knew, I’ve never known, whether it’s being tweeted at by him like I was last night or whether he was gonna call me on a rule without telling me what the content of the rule was like today or Kafka quotes, et cetera, what it would be but it would always be interesting and very peculiar feeling in the pit of the stomach of anyone who’s ever been a presiding officer, but I will ask all the Senators to just close this moment of recognition, we’ll have others in the future, by joining me in thanking Senator Baumgartner for his years of service here in the State Senate.”

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2519 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate insist on its position in the House amendment(s) to Engrossed House Bill No. 2519 and requests of the House a conference thereon.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate insist on its position in the House amendment(s) to Engrossed House Bill No. 2519 and request of the House a conference thereon.

The motion by Senator Pedersen carried and the Senate insisted on its position in the House amendment(s) to Engrossed House Bill No. 2519 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2519 and the House amendment(s) thereto: Senators Dhingra, Padden and Pedersen.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MOTION

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

PERSONAL PRIVILEGE

Senator Honeyford: “Well, thank you. As many of you know, a few weeks ago my wife slipped and fell and broke her ankle and her leg. And I wanted to recognize the fact that she received some flowers from both the Democrat Caucus and the Republican Caucus, lobbyists, and organizations here in Olympia. And while we may disagree on many issues, I think this shows that we really are a family and I wanted to express our appreciation for this family that we have in Olympia. Thank you Mr. President.”

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, be confirmed as a member of the University of Washington Board of Regents.

Senator King spoke in favor of the motion.

APPOINTMENT OF BLAINE TAMAKI

The President declared the question before the Senate to be the confirmation of Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, as a member of the University of Washington Board of Regents and the appointment was confirmed 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

Blaine Tamaki, Senate Gubernatorial Appointment No. 9321, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

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

action.

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

MOTION TO LIMIT DEBATE

Senator Liias moved that pursuant to Rule 29 limiting senators to speaking but once and for no more than three minutes on each question under debate for the remainder of the day.

Senator Fain objected to the motion.

The President declared the question before the Senate to be the motion by Senator Liias to limit debate to speaking but once per question and for no more than three minutes for the remainder of the day. The motion by Senator Liias carried by rising vote.

MOTION

At 12:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

AFTERNOON SESSION

The Senate was called to order at 12:31 p.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 6614, by Senators Mullet, Rolfes, Dhingra and Frockt

Concerning funding for the support of common schools.

MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 6614 was substituted for Senate Bill No. 6614 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following striking floor amendment no. 933 by Senator Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.065 and 2017 3rd sp.s. c 13 s 301 are each amended to read as follows:

(1) Except as otherwise provided in this section, subject to the limitations in RCW 84.55.010, in each year the state ~~((shall))~~ must levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed

by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy an additional property tax for the support of common schools of the state.

(i) For taxes levied for collection in calendar years 2018 through 2021, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of two dollars and forty cents per thousand dollars of assessed value in calendar year 2019 and two dollars and seventy cents per thousand dollars of assessed value in calendar years 2018, 2020, and 2021. The state property tax levy rates provided in this subsection (2)(a)(i) are based upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(ii) For taxes levied for collection in calendar year 2022 and thereafter, the tax authorized under this subsection (2) is subject to the limitations of chapter 84.55 RCW.

(b)(i) Except as otherwise provided in this subsection, all taxes collected under this subsection (2) must be deposited into the state general fund.

(ii) For fiscal year 2019, nine hundred thirty-five million dollars of taxes collected under this subsection (2) must be deposited into the education legacy trust account for the support of common schools.

(3) For taxes levied for collection in calendar years 2019 through 2021, the state property taxes levied under subsections (1) and (2) of this section are not subject to the limitations in chapter 84.55 RCW.

(4) For taxes levied for collection in calendar year 2022 and thereafter, the aggregate rate limit for state property taxes levied under subsections (1) and (2) of this section is three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(5) For property taxes levied for collection in calendar years 2019 through 2021, the rate of tax levied under subsection (1) of this section is the actual rate that was levied for collection in calendar year 2018 under subsection (1) of this section.

(6) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "providing property tax relief by reducing calendar year 2019 state property taxes and redirecting revenue to the education legacy trust account for fiscal year 2019; and amending RCW 84.52.065."

MOTION

Senator Ericksen moved that the following floor amendment no. 941 by Senator Ericksen be adopted:

Beginning on page 1, line 3 of the amendment, strike all material through "schools." on page 2, line 22 and insert the following:

Sec. 1. RCW 84.52.065 and 2017 3rd sp.s. c 13 s 301 are each amended to read as follows:

(1) Except as otherwise provided in this section, subject to the limitations in RCW 84.55.010, in each year the state ~~((shall))~~ must levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed

valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy an additional property tax for the support of common schools of the state.

(i) For taxes levied for collection in calendar years 2018, ~~((through)) 2020, and~~ 2021, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of two dollars and seventy cents per thousand dollars of assessed value ~~((upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue)).~~

(ii) For taxes levied for collection in calendar year 2019, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of one dollar and eighty-nine cents per thousand dollars of assessed value.

(iii) The state property tax levy rates provided in this subsection (2)(a) are based upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(iv) For taxes levied for collection in calendar year 2022 and thereafter, the tax authorized under this subsection (2) is subject to the limitations of chapter 84.55 RCW.

(b) Taxes collected under this subsection (2) must be deposited into the state general fund.

(3) For taxes levied for collection in calendar years 2019 through 2021, the state property taxes levied under subsections (1) and (2) of this section are not subject to the limitations in chapter 84.55 RCW.

(4) For taxes levied for collection in calendar year 2022 and thereafter, the aggregate rate limit for state property taxes levied under subsections (1) and (2) of this section is three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(5) For property taxes levied for collection in calendar years 2019 through 2021, the rate of tax levied under subsection (1) of this section is the actual rate that was levied for collection in calendar year 2018 under subsection (1) of this section.

(6) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Sec. 2. RCW 84.56.020 and 2017 c 142 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax, except as provided in subsection (5) of this section, is due and payable on or before the following thirty-first day of October and is delinquent after that date.

(5)(a) For the 2017 state property taxes levied under RCW 84.52.065 (1) and (2) for collection in 2018, the remainder of the tax is due and payable as follows:

(i) Forty percent is due and payable on or before the thirty-first day of October 2018 and is delinquent after that date;

(ii) Thirty percent is due and payable on or before the thirtieth day of April 2019 and is delinquent after that date; and

(iii) Thirty percent is due and payable on or before the thirty-first day of October 2019 and is delinquent after that date.

(b) This subsection (5) does not apply to property exempt from the additional state property tax imposed under RCW 84.52.065(2) as provided in RCW 84.36.381(5)(a).

(6) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection ~~((42))~~ (13)(b) of this section or a partial payment program pursuant to subsection ~~((43))~~ (14) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

~~((6))~~ (7)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

~~((7))~~ (8) Subsection ~~((5))~~ (6) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

~~((8))~~ (9) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

~~((9))~~ (10) All collections of interest on delinquent taxes must be credited to the county current expense fund.

~~((40))~~ (11) For purposes of this chapter, "interest" means both interest and penalties unless the context clearly requires otherwise.

~~((44))~~ (12) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((42))~~ (13)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes. The treasurer may accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on

or before the thirtieth day of April and, except as otherwise provided in this section, are delinquent after that date. ~~((The))~~ Except as provided in subsection (5) of this section, any remainder of the tax is due and payable on or before the following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection ~~((5))~~ (6) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((13))~~ (14) In addition to the payment program in subsection ~~((12))~~ (13)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.

~~((14))~~ For purposes of this section unless the context clearly requires otherwise, the following definitions apply: (15) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Remainder of the tax" means the remaining tax due after at least one-half of the tax due for the year is paid by April 30th of the year in which the taxes are due, or after at least one-half of the tax due for the year plus applicable penalties and interest is paid after April 30th but before October 31st of the year in which the tax is due.

Sec. 3. RCW 36.35.110 and 2013 c 221 s 2 are each amended to read as follows:

(1) No claims are allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes must at the time of deeding the property be thereby canceled. However, the proceeds of any sale of any property acquired by the county by tax deed must first be applied to reimburse the county for the costs of foreclosure and sale. The remainder of the proceeds, if any, must be applied to pay any amounts deferred under chapter 84.37 or 84.38 RCW on the property, including accrued interest, and outstanding at the time the county acquired the property by tax deed. The remainder of the proceeds, if any, must be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

(2) For purposes of this section, "costs of foreclosure and sale" means those costs of foreclosing on the property that, when collected, are subject to RCW 84.56.020~~((9))~~ (12), and the direct costs incurred by the county in selling the property.

NEW SECTION. Sec. 4. Section 1 of this act applies both prospectively and retroactively to January 1, 2018. However, this act does not authorize refunds of state property taxes levied for collection in 2018 and validly collected before the effective date of this section.

NEW SECTION. Sec. 5. 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 2, beginning on line 26 of the title amendment, after "2019;" strike all material through "84.52.065." on line 27 and insert "amending RCW 84.52.065, 84.56.020, and 36.35.110; creating a new section; and declaring an emergency."

Senators Ericksen, Baumgartner, Schoesler, Braun, O'Ban, Becker, Padden, Wilson and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senators Rolfes and Carlyle spoke against adoption of the amendment to the striking amendment.

Senator Takko spoke on the adoption of the amendment to the striking amendment.

MOTION

Senator Ericksen demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 1, line 3 to striking floor amendment no. 933.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman .

MOTION

Senator Braun moved that the following floor amendment no. 942 by Senator Braun be adopted:

Beginning on page 1, line 3 of the amendment, strike all material through "schools." on page 2, line 22 and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 84.56 RCW to read as follows:

(1)(a) There is provided a total reduction in state property tax collections of four hundred thirty-one million dollars for taxes payable after September 15, 2018, through December 31, 2019. This reduction is provided solely through a voucher program as provided under this section. By September 15, 2018, the department must make a voucher available for each currently taxable real and personal property parcel in the state in a form and manner as determined by the department in its sole discretion.

(b) An additional reduction in state property tax collections must be provided equal to the amount by which the June 2018 economic and revenue forecast exceeds the February 2018 economic and revenue forecast for revenues deposited into the state general fund, education legacy trust account, and

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

Washington opportunity pathways account for the 2017-2019 and 2019-2021 biennia. The additional reduction under this subsection (1)(b) is limited to an amount that does not cause the total reduction under this subsection (1) to exceed one billion dollars.

(2) The department must determine the voucher amount for each taxable real and personal property parcel in a manner that equitably distributes the four hundred thirty-one million dollar reduction. To that end, each voucher must be issued for an amount equal to the parcel's equalized value divided by the total equalized value statewide, multiplied by four hundred thirty-one million dollars.

(3) No later than April 15, 2018, each county assessor must provide the following information about each taxable parcel in the assessor's county to the department electronically in a form and manner as prescribed by the department:

- (a) Parcel number;
- (b) Owner's name and mailing address;
- (c) Name and mailing address of the person of record who pays the property taxes on the parcel, if that person is not the owner of the property;
- (d) Type of property, either real or personal;
- (e) Taxable value, as of April 1, 2018, for either or both of the state levies under RCW 84.52.065 as specified by the department; and
- (f) Any additional information requested by the department by March 15, 2018, for use in administering this section.

(4)(a) Vouchers may only be redeemed beginning September 15, 2018, through June 30, 2019, for taxes levied on taxable property for collection in 2018 or 2019. Vouchers cannot be redeemed against taxes paid before the effective date of this section.

(b) Vouchers expire July 1, 2019, and may not be used to prepay property taxes due after June 30, 2019. There are no refunds for unused vouchers.

(c)(i) Except as otherwise provided in this subsection (4)(c), vouchers may only be redeemed against the taxes levied on the parcel for which the voucher was issued.

(ii) The department may, at its sole discretion, authorize vouchers to be redeemed against taxes levied on a different parcel of real property as the parcel for which the voucher was issued in cases where the parcel for which the voucher was issued no longer exists after April 1, 2018, due to the segregation or aggregation of real property parcels. The department must advise county assessors and treasurers and issue public guidance on its web site concerning the department's decision whether to authorize vouchers to be redeemed against taxes levied on a different parcel of real property as the parcel for which the voucher was issued as authorized under this subsection (4)(c).

(d) Vouchers are transferable to a new owner of the parcel for which the voucher was issued. The department may prescribe the manner that vouchers may be transferred. The county treasurer may refuse to accept a voucher that has been transferred in a manner not consistent with the manner prescribed by the department.

(5) Vouchers may be redeemed only by submitting them to the appropriate county treasurer for payment of taxes as indicated by the person redeeming the voucher.

(6) If a voucher is lost or destroyed, a qualified person may redeem the unused amount of the lost or destroyed voucher in accordance with this section by making a request to the county treasurer. A qualified person attempting to redeem a lost or destroyed voucher for a taxable parcel must provide proof satisfactory to the county treasurer that the person is a qualified person. The department must provide assistance to the county

treasurer by verifying the amount that the lost or destroyed voucher was issued for.

(7) The county treasurer must apply redeemed vouchers as payment against the state taxes levied under RCW 84.52.065(2). However, the county treasurer may apply redeemed vouchers as payment against local property taxes if the county treasurer cannot feasibly apply vouchers as payment only to the state taxes levied under RCW 84.52.065(2). In such cases, the county treasurer must use collections of state property taxes levied under RCW 84.52.065(2) and not yet distributed to the state to reimburse local taxing districts for the amount of their taxes paid with vouchers redeemed in accordance with this section.

(8) By March 1, 2019, and March 1, 2020, or such other dates as may be required by the department, each county treasurer must report to the department information requested by the department concerning redeemed vouchers.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Equalized value" means the assessed value as of January 1, 2017, as provided by county assessors on April 1, 2018, divided by the real and personal property ratio for that county for property taxes levied for collection in 2018.

(b) "Qualified person" means the owner of record of the property for which a lost or destroyed voucher was issued or the person who pays the taxes on that property as indicated in the records of the county treasurer, if not the owner of record.

Sec. 2. RCW 84.69.020 and 2017 3rd sp.s. c 13 s 310 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency must be refunded if they were:

- (1) Paid more than once;
- (2) Paid as a result of manifest error in description;
- (3) Paid as a result of a clerical error in extending the tax rolls;
- (4) Paid as a result of other clerical errors in listing property;
- (5) Paid with respect to improvements which did not exist on assessment date;
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;
- (8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;
- (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section (~~shall~~) may only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;
- (11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded (~~shall~~) may only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; (~~or~~)

(16) Abated under RCW 84.70.010; or

(17) Paid in excess of the amount of taxes properly due at the time of the excess payment, including amounts paid in excess of taxes properly due at the time of the excess payment as a result of the proper use of a voucher as authorized under section 1 of this act.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes must include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection (8) of this section made by a third party payee shall be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levies, refunds of the state's levies including interest on the levies as provided by this section and chapter 84.68 RCW.

The county treasurer of each county must make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. Sec. 3. A new section is added to chapter 34.05 RCW to read as follows:

The rule-making provisions of this chapter do not apply to the department of revenue's administration of section 1 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 63.29 RCW to read as follows:

This chapter does not apply to unredeemed vouchers issued under section 1 of this act.

NEW SECTION. Sec. 5. 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 2, line 2 of the title amendment, after "insert" strike the remainder of the title and insert "state property tax relief for taxes due in 2018 and 2019; amending RCW 84.69.020; adding a new section to chapter 84.56 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 63.29 RCW; and declaring an emergency."

Senators Braun, Baumgartner, O'Ban and Brown spoke in favor of adoption of the amendment to the striking amendment.

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 942 by Senator

Braun on page 1, line 3 to Senate Bill No. 6614.

The motion by Senator Braun did not carry and floor amendment no. 942 was not adopted by rising vote.

MOTION

Senator Braun moved that the following floor amendment no. 943 by Senator Braun be adopted:

On page 1, line 30, after "(b)" strike "(i) Except as otherwise provided in this subsection, all"

On page 2, beginning on line 1, strike all material through line 4.

Senators Braun, Angel, Baumgartner, Padden, Warnick and Ericksen spoke in favor of adoption of the amendment to the striking amendment.

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

Senator Rolfes spoke on adoption of the amendment to the striking amendment.

MOTION

Senator Braun demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 1, line 30 to striking floor amendment no. 933.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman .

PERSONAL PRIVILEGE

Senator Braun: "Thank you Madam President. I just want to let the body know that despite my interest in, in, in large concern with this bill I am in kind of a hurry to wrap this up because we have a former State Senator Marlo Braun in the wings here waiting for me for lunch so I have conflicted motivations here Madame President, but I did want to recognize that she came for this very important debate and for lunch with her favorite husband."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner and without objection, floor amendment no. 944 by Senators Bailey, Baumgartner, Brown, Rivers, Short, Wagoner, Warnick and Wilson on page 2, line 24 to striking floor amendment no. 933 was withdrawn.

On page 2, line 24 of the title, after "insert" strike all material through line 27 and insert "violating the public trust, downgrading

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

the state's bond rating, and ignoring the will of the voters by unconstitutionally raiding the state's Budget Stabilization Account; and amending RCW 84.52.065."

The President Pro Tempore declared the question before the Senate to be the adoption of striking floor amendment no. 933 by Senator Rolfes to Substitute Senate Bill No. 6614.

The motion by Senator Rolfes carried and striking floor amendment no. 933 was adopted by rising vote.

Lieutenant Governor Habib resumed the chair.

PARLIAMENTARY INQUIRY

Senator Baumgartner: "A point of inquiry, I'd like to know how many votes it requires to pass this bill, I'd like to make a statement."

President Habib: "Senator Baumgartner we're not yet on third reading of the bill so if you would, if you'd hold that point of parliamentary inquiry or point of order, really, for third reading."

Senator Baumgartner: "Okay, thank you."

President Habib: "Thank you."

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 6614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Baumgartner: "How many votes does it take to pass this bill?"

President Habib: Senator Baumgartner has requested a ruling on the question of how many votes the final passage of Engrossed Substitute Senate Bill 6614 will require. Remarks, Senator Baumgartner."

Senator Baumgartner: "Thank you Mr. President, it is my contention that this bill requires a super majority to pass. I think it is an attempt to subvert the rainy day fund that this body had always held that it requires a super majority of votes in line with the state constitution to utilize the rainy day fund, I think this is an attempt to do an end-around to subvert the plain meaning of the constitution and would ask you to rule how many votes are required."

President Habib: "Other remarks in opposition. Senator Rolfes."

Senator Rolfes: "Thank you Mr. President. It is true that under article seven, section twelve of the constitution, a sixty percent vote would be required if this bill was actually appropriating money from the budget stabilization account. However, with a striking amendment, that is not what this bill does. Under this bill a portion of revenue from a new state property tax passed by this body that was intended to support our public school system is being sent directly into the education legacy trust account, which is entirely appropriate and the remainder of the property tax revenue will be deposited into the state general fund. Normally

the redirecting of an existing tax that has historically been deposited in the general fund would require an adjustment to the budget stabilization account however this is not the case with the new state property tax. Therefore, by dedicating the new revenue prior to receipt and deposit into the general fund the bill does not trigger the adjustment to the extraordinary revenue growth calculation. This, nor are funds withdrawn from the budget stabilization account. The sixty percent vote threshold is not applicable instead a simple majority vote is all that is needed."

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute Senate Bill No. 6614 was deferred and the bill held its place on the third reading calendar.

MOTION

At 1:38 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 2:22 p.m. by President Habib.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 7, 2018

ESHB 1792 Prime Sponsor, Committee on Appropriations: Establishing a fee for certification for the residential services and supports program to cover investigative costs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Brown; Schoesler; Wagoner and Warnick.

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

Referred to Committee on Rules for second reading.

March 7, 2018

2SHB 2269 Prime Sponsor, Committee on Finance: Concerning tax relief for adaptive automotive equipment for veterans and service members with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: 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;

Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

HB 2271 Prime Sponsor, Representative Muri: Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: 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; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

E2SHB 2334 Prime Sponsor, Committee on Appropriations: Regulating the use of cannabinoid additives in marijuana products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Pedersen; Ranker; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker; Brown and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Palumbo and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

ESHB 2580 Prime Sponsor, Committee on Technology & Economic Development: Promoting renewable natural gas. Reported by Committee on Ways & Means

MAJORITY recommendation: 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; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 7, 2018

SHB 2638 Prime Sponsor, Committee on Public Safety: Creating a graduated reentry program of partial confinement for certain offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Fain; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker; Rivers; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by

Senators Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey; Becker and Brown.

Referred to Committee on Rules for second reading.

March 7, 2018

SHB 3002 Prime Sponsor, Committee on Appropriations: Making expenditures from the budget stabilization account for declared catastrophic events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Mullet; Palumbo; Pedersen; Ranker and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member and Bailey.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Becker; Brown; Fain; Schoesler; Wagoner and Warnick.

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

March 7, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415, 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

ESHB 3003 by House Committee on Public Safety (originally sponsored by Representatives Goodman and Hayes)

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

AN ACT Relating to law enforcement; amending RCW 43.101.---, 36.28A.---, and 9A.16.040; amending 2018 c ... s 9 (uncodified); adding a new section to chapter 9A.16 RCW; adding a new chapter to Title 10 RCW; and providing a contingent effective date.

Referred to Committee on Law & Justice.

HCR 4415 by Representative Sullivan
Exempting SHB 3003 from the cutoff resolution.

MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representative Sullivan

Exempting SHB 3003 from the cutoff resolution.

Senators Liias and Pedersen spoke in favor of adoption of the resolution.

Senators Padden, Baumgartner and Angel spoke against adoption of the resolution.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4415.

HOUSE CONCURRENT RESOLUTION NO. 4415 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Liias, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

MOTION

At 2:29 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 6:00 p.m. by President Habib.

The Senate resumed consideration of Senate Bill No. 6614 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Habib: "In responding to the Point of Parliamentary Inquiry raised by Senator Baumgartner as to the number of votes required for final passage of Engrossed Substitute Senate Bill 6614, the President finds and rules as follows:

Article 7, Section 12 of the Washington State Constitution requires a three-fifths vote of the Senate for appropriations of funds from the Budget Stabilization Account, commonly referred to as the Rainy Day Fund. Under this bill, a portion of revenue from a new state property tax levy adopted in the 2017 Legislative Session will be deposited directly into the Education Legacy Trust Account, rather than the General Fund.

In considering the question of how many votes are required for final passage of Engrossed Substitute Senate Bill 6614, the Presidents finds that a simple constitutional majority is required on the basis of two distinct lines of reasoning.

First and foremost, the bill does not contain an appropriation from the Rainy Day Fund. The diversion of extraordinary revenue from existing sources that have historically been deposited in the General Fund would, under Article 7, Section 12, require an adjustment to the Rainy Day Fund to reflect the statutory change. However, the revenue collected through the new property tax levy, enacted in 2017 by the 65th Legislature, has not yet been deposited into the General Fund. Because the bill does not request an appropriation from the Rainy Day Fund, a simple majority is all that is required for final passage.

Furthermore, the President also believes that the revenue increase caused by the enactment of this new tax policy is the result not of unexpected positive revenue from existing sources, but rather a policy decision to establish a new levy for the specific purpose of funding common schools.

Seen in this light, the requirement that this bill obtain a mere simple constitutional majority rather than a three-fifths super majority is in keeping with the spirit as well as the letter of the Rainy Day Fund."

POINT OF ORDER

Senator Braun: "Mr. President, I believe that the bill before us violates rule 25, that no bill shall contain more than one subject. I, shall I go on?"

President Habib: "Senator Braun has raised a point of order as to whether Engrossed, I'm sorry I'm just looking at my, Engrossed Substitute Senate Bill 6614 violates Senate rules and the constitution by containing more than one subject. Senator Braun, remarks?"

Senator Braun: "Thank you Mr. President. So, Senate Rule 25 mirrors Article 2, Section 19 of the Washington State Constitution as provided in the Amalgomated Transit Union versus State case which challenged the validity of Initiative 695. The single subject rule is intended to prevent legislatures, whether the people or the legislature, from having to vote on a law they do not favor in order to obtain a law in which they do. Put another way, in deciding whether a measure contains a single object however the consequence inquiries founded on a question whether a measure is drafted in such a way that those voting on it may be required to vote for something of which the voter disapproves in order to obtain approval of an unrelated law. Here in this engrossed bill the proposed striking amendment for Substitute Senate Bill 6614 contains two distinct and unrelated subjects. The first subject is the reduction of the state property tax in 2019 and the second subject is the redirection of existing property taxes to a different account designed to avoid the otherwise required deposit into a constitutional budget stabilization account. There's no rational unity in these two matters and that is reflected in the striking amendment's title which contains, which clearly bifurcates the subject in the two distinct matters. So here we're faced with a popular proposal to reduce property taxes and a dubious proposal with a purpose unrelated and unnecessary to reducing property taxes. Namely, transferring state funds to avoid putting money into the state's constitutional savings account. Mr. President, I support the reducing of property taxes. We have advocated for that since last fall when we started having additional revenue forecasted. So the, the, property tax reduction in this measure, I think, is a good thing, however, I can't support the separate and unrelated subject of redirecting almost a billion dollars of state revenue scheduled to otherwise be deposited in the state's constitutional savings account. This is precisely the log rolling

that Article 2, Section 19 is designed to prevent. I ask you rule that the striking amendment is out of order, thank you Mr. President.”

President Habib: “Remarks and rebuttals. Senator Liias?”

Senator Liias: “Thank you Mr. President. While I appreciate the points made by my colleague, the general subject of Engrossed Substitute Senate Bill 6614 is a state property tax levy that’s collected for the purpose of funding our state’s common schools. The striking amendment in the bill adjusts the rate of that levy and the calendar years in which it’ll be collected and direct that some of the levy funds will be deposit into the Education Legacy Trust account for the support of common schools. As Senator Braun identified, previous Lieutenant Governor rulings have called on, in a bill to have a rational unity to the general subject of the measure, the, the state property tax levy collected for the purpose of funding state common schools and the use of those funds is a rationally unified general subject. I believe that the gentleman’s point is not correct.”

President Habib: “Okay, so, the President will need to take a few minutes to consult the law and the precedent, Senator Liias, would you like to defer consideration and, how would you like to proceed?”

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 6614 was deferred and the bill held its place on the third reading calendar.

Senator Keiser resumed the chair.

MOTION

At 608 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 6:12 p.m. by President Pro Tempore Keiser.

MOTION

On motion of Senator Bailey, Senator Walsh was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 5627, by Senators Kuderer, Hunt, Saldaña and Keiser

Concerning the sale of manufactured/mobile home communities.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5627 was substituted for Senate Bill No. 5627 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5627 was advanced to third reading,

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

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5627.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5627 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, 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, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5627, 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

SUBSTITUTE HOUSE BILL NO. 2448, by House Committee on Finance (originally sponsored by Representatives Senn, Tharinger, Chapman, Kilduff, Macri, Robinson, Appleton, Kloba, Pollet, Santos and Tarleton)

Increasing the availability of housing for developmentally disabled persons.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is need to expand housing opportunities for persons with developmental disabilities. The legislature finds it is often preferable for persons with developmental disabilities to remain residing in their home, when it is safe and appropriate, to foster ongoing stability. The legislature recognizes that securing a child’s future housing and services provides the parents of persons with developmental disabilities peace of mind. The legislature further finds that providing a new mechanism for the transfer of residential property into housing for persons with developmental disabilities expands the state’s housing capacity and helps meet demand. The legislature further finds that utilizing existing residential property will reduce the demands on the housing trust fund. The legislature finds that there is an opportunity and need, for advocates and the supporters of the developmental disabilities community to work together, to develop model transfer agreements that will provide peace of mind and assist parents of children with developmental disabilities more readily access this

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

program.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 3, chapter . . . , Laws of 2018 (section 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing real estate excise tax rates.

(4) If a review finds that there is an increase of residential property transfers by parents of a person with developmental disabilities to a qualified entity as a result of the relief from this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

Sec. 3. RCW 82.45.010 and 2014 c 58 s 24 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the

identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a

corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity.

The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(s) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(s) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

Sec. 4. RCW 43.185.050 and 2017 3rd sp.s. c 12 s 13 are each amended to read as follows:

(1) The department must use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle ~~((shall))~~ **must** be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; ~~((and))~~

(k) Projects making housing more accessible to families with members who have disabilities; **and**

(l) Remodeling and improvements as required to meet building code, licensing requirements, or legal operations to residential properties owned and operated by an entity eligible under RCW 43.185A.040, which were transferred as described in RCW

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

82.45.010(3)(s) by the parent of a child with developmental disabilities.

(3) Preference ((shall) must be given for projects that include an early learning facility.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs associated with application, distribution, and project development activities of the department may not exceed three percent of the annual funds available for the housing assistance program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

(7) Administrative costs associated with compliance and monitoring activities of the department may not exceed one-quarter of one percent annually of the contracted amount of state investment in the housing assistance program."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 82.45.010 and 43.185.050; and creating new sections."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2448.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2448 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban and Braun spoke in favor of passage of the bill.

Senator Chase spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2448 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2448 as amended by the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2448, as amended by the

Senate, 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

SUBSTITUTE HOUSE BILL NO. 2990, by House Committee on Transportation (originally sponsored by Representatives Fey, Young and Muri)

Concerning the Tacoma Narrows bridge debt service payment plan.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.46 RCW to read as follows:

(1) The legislature finds funding of the Tacoma Narrows bridge facility to be distinct from other Washington state tolling facilities due to its increasing debt service costs, which is the primary driver of the facility's escalating costs. Washington state has since recommended and established financing structures with steadier levels of debt service payments for subsequent tolled transportation facilities, supporting better management of the state's debt burden and a lower financial burden for toll ratepayers.

(2) The Tacoma Narrows bridge facility debt service structure resulted, in part, from a decision by the legislature to fund construction of the bridge without drawing from state tax dollars. As a result, toll revenue was committed to fund ninety-nine percent of bridge construction costs, as well as the associated interest payments and other associated debt service costs. This is not the standard more recently utilized by the legislature, as is the case of the state route 520 bridge's construction, seventy-two percent of which is to be paid for with toll revenues. In light of the maximum burden for bridge construction that was placed on Tacoma Narrows bridge toll ratepayers, there is no equitable reason that the burden of future debt service payment increases should be borne by these same toll ratepayers.

(3) The legislature established the Tacoma Narrows bridge work group in 2017 and tasked it with identifying opportunities for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. The work group recommended a request of up to one hundred twenty-five million dollars in state funding from the legislature to offset future debt service payment increases, allocated across the remaining years of tolling at levels that result in maintaining toll rates at fiscal year 2018 levels.

(4) Due to the findings aforementioned, an alternative is put forward by the legislature. State contribution loans for each fiscal biennium are to be made through the life of the debt service plan of up to a total of eighty-five million dollars, and will be repaid in annual amounts beginning after the debt service and deferred sales tax are fully repaid. It is the intent of the legislature that the commission will:

(a) Maintain tolls at no more than toll rates effective at the fiscal year 2018 level until fiscal year 2022; and

(b) Maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level beginning in

fiscal year 2022 until such time as the debt service and deferred sales tax obligation is fully met according to the repayment schedule in place as of the effective date of this section and until any state contribution loans are fully repaid.

(5) To offset part of the toll rate increases that would otherwise be necessary to meet increases in future debt service payments, it is the intent of the legislature that the state treasurer make state contribution loan transfers to the Tacoma Narrows toll bridge account created in RCW 47.56.165 on the first day of each fiscal biennium, beginning in the 2019-2021 fiscal biennium, through the life of the debt service plan. It is the intent of the legislature that the state treasurer make state contribution loan transfers in amounts necessary to ensure debt service payments are made in full after toll revenue from the Tacoma Narrows bridge toll facility is applied to the debt payment amounts and other required costs.

(6) This section does not create a private right of action.

NEW SECTION. Sec. 2. A new section is added to chapter 47.46 RCW to read as follows:

(1) Through 2031, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes sufficient information to enable the legislature to determine an adequate amount of contribution from nontoll sources required for each fiscal biennium to maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level, while also maintaining the debt service plan repayment schedule in place as of the effective date of this section. The report must be submitted by January 5th of each year.

(2) Beginning in 2031, and until such time as the state contribution loans described in section 1(4) of this act are repaid, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes information detailing the annual expected toll revenue to be used for repayment of the state contribution loans while maintaining tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level. The report must be submitted by January 5th of each year.

(3) This section does not create a private right of action.

Sec. 3. RCW 47.46.110 and 2002 c 114 s 8 are each amended to read as follows:

(1) The commission shall retain toll charges on any existing and future facilities constructed under this chapter and financed primarily by bonds issued by the state until:

(a) All costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund have been fully repaid, except as provided in subsection (2)(b) of this section;

(b) Obligations incurred in constructing that facility have been fully paid; ~~((and))~~

(c) The motor vehicle fund is fully repaid under RCW 47.46.140; and

(d) The accounts from which moneys are provided to reduce the debt service according to section 1(5) of this act are fully repaid.

(2) This section does not:

(a) Prohibit the use of toll revenues to fund maintenance, operations, or management of facilities constructed under this chapter except as prohibited by RCW 47.56.245;

(b) Require repayment of funds specifically appropriated as a nonreimbursable state financial contribution to a project.

(3) Notwithstanding the provisions of subsection (2)(a) of this section, upon satisfaction of the conditions enumerated in subsection (1) of this section:

(a) The facility must be operated as a toll-free facility; and

(b) The operation, maintenance, upkeep, and repair of the facility must be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington."

On page 1, line 2 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 47.46.110; and adding new sections to chapter 47.46 RCW."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2990.

The motion by Senator King carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2990 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Angel, Hobbs and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2990 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2990 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Van De Wege

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2990, as amended by the Senate, 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.

Lieutenant Governor Habib resumed the chair.

MOTION

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

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 6614 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Habib: "The Senate will now return to consideration of now Engrossed Senate Bill 6614. In the interest of time we will be, I'll just be ruling orally and then we have, we'll be writing up and distributing at a later time the, the, the, the more formal ruling but to rule on the point of order raised by

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

Senator Braun as to the, whether Engrossed Substitute Senate Bill 6614 violates the single subject rule, the President finds, first it's important to determine what the content of the bill, now as amended through the striking amendment, seeks to do and it is stated in the title both to reduce property taxes, reduce one, one revenue source and then also to make provision for the allocation of, of certain revenue. And while these are, as Senator Braun pointed out, these are separate and may in fact appeal to different distinct Senators for different reasons, the President finds that the rational unifying theme, which is what the State Supreme Court and Lieutenant Governor Owen have determined to be the test here, what the rational unifying theme is between these two is the making of, the provision making for unexpected revenue in the 2019, fiscal year 2019. In other words there is more revenue coming in 2019 than had been expected, a policy has been drafted to make provision for that unexpectedly high amount of revenue. That policy prescription that's being proposed in this bill contains the reduction of taxes and also the allocation of some of that money to the Education Legacy Trust account and while those are two different elements they nevertheless share a rational unifying theme, which is the disposition of these funds which had been unexpected at, by previous legislatures. Alright, remarks on final passage of Engrossed Substitute Senate Bill 6614. Senator Mullet. Oh, Senator Braun? Do you rise on a point of order or."

POINT OF ORDER

Senator Braun: "Thank you Mr. President. So I, I appreciate your, your, prompt ruling on these two matters. I do want to ask your indulgence and point out a couple of misstatements you made in your earlier ruling. Mr. President you made the claim that no state property tax from the state property tax increase made last session has gone to the general fund. Mr. President that's not accurate, it started as, as of the first of January of this year and the estimate is about five hundred million dollars will go into the general fund between now and the end of the fiscal year, so, and the other thing you said, Mr. President, is you made the claim that there was no extraordinary revenue and that it was all triggered from the state property tax levy imposed last year. So, Mr. President, I just want to clarify that when we did the budget last year that state property tax was imposed and that state property tax was imposed, those funds were budgeted and, and, and, the resulting known estimate of extraordinary revenue growth was known and included in the budget we passed here last June. Since then we've had an additional 2.3 billion dollars in revenue growth thanks to our strong economy, 1.6 of which would go, as provided in the constitution, in to the general fund and 700 of which would ultimately go into the extraordinary revenue growth into the rainy day fund at the end of the biennium. So, Mr. President, I don't intend to challenge your ruling, I think there are other parts of the ruling that would lead you to the same conclusion ultimately, but I would just ask you, Mr. President, that you would consider this in any written ruling that you ultimately make and publish and if you'd like additional details I would be happy to provide them to you."

REPLY BY THE PRESIDENT

President Habib: "Thank you, thank you Senator Braun and, and, I agree, this is, this is not the time to hash out the details but I, I will say that the, to the extent that order mentioned the funds not having been deposited in the general fund that, that portion of the order relates to the funds addressed in the striking amendment so, if that wasn't clear or if it seemed like a broader proposition

was being made in the ruling then certainly that will be clarified, again, that's, that wasn't the nature of the point of parliamentary inquiry raised by Senator Baumgartner since as you yourself just pointed out, the, the, in any case, no money was being extracted from or appropriated from the, the rainy day fund. Alright, we're gonna move to remarks on this bill."

Senators Mullet and Ranker spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Senator Ranker? Senator Ranker I'm gonna ask this, I'm gonna ask this of you, I'm gonna ask this of other members, you all know which, how to, how to incite personalities and how to, to lead us down a rabbit hole, and I would appreciate if, in keeping with your rules, an avoidance of personalities, we, we unnecessarily, we avoid unnecessarily needling one another with terms like Republican property tax, et cetera. It's just not necessary. Further remarks?"

Senator Frockt spoke in favor of passage of the bill.

Senators Schoesler, Zeiger and O'Ban spoke against passage of the bill.

POINT OF ORDER

Senator Braun: "Thank you Mr. President. The previous speaker just made a factual error. We offered a striking amendment on the floor and it fully funded McCleary. Thank you Mr. President."

Senator Frockt continued to speak in favor of passage of the bill.

Senators Ericksen, Angel, Sheldon, Baumgartner, Padden and Fortunato spoke against passage of the bill.

Senator Honeyford spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6614.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6614 and the passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Goodman, Johnson, Slatter, Tharinger, Stanford, Macri, Ormsby, Doglio and Appleton)

Preserving access to individual market health care coverage throughout Washington state.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

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

(a) Access to health care is fundamental to the health and safety of the citizens of Washington state;

(b) Health insurance coverage is necessary for most people to access health care;

(c) Due to uncertainty in the health insurance marketplace, volatility in the current federal regulatory environment, and rising health care costs, ensuring access to the private health insurance market in every county in Washington state is becoming more difficult;

(d) The consequences of losing private health insurance coverage in a county would be catastrophic, leading to deteriorating health outcomes, lost productivity, and lower quality of life; and

(e) If the private market fails to provide coverage in a county, the state must intervene.

(2) The legislature therefore intends to:

(a) Leverage the provider networks used by private insurers offering coverage to state and school employees to ensure private insurance coverage is available in all counties where those insurers offer coverage to state and school employees; and

(b) Until such coverage is available, make coverage in the Washington state health insurance pool more affordable to persons residing in counties where no private insurance is available.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) For plan years beginning January 1, 2020, at least one health carrier in an insurance holding company system must offer in the exchange at least one silver and one gold qualified health plan in any county in which any health carrier in that insurance holding company system offers a fully insured health plan that was approved, on or after the effective date of this section, by the school employees' benefits board or the public employees' benefits board to be offered to employees and their covered dependents under this chapter.

(2) The rates for a health plan approved by the school employees' benefits board or the public employees' benefits board may not include the administrative costs or actuarial risks associated with a qualified health plan offered under subsection (1) of this section.

(3) The authority shall perform an actuarial review during the

annual rate setting process for plans approved by the school employees' benefits board or the public employees' benefits board to ensure compliance with subsection (2) of this section.

(4) For purposes of this section, "exchange" and "health carrier" have the same meaning as in RCW 48.43.005.

(5) For purposes of this section, "insurance holding company system" has the same meaning as in RCW 48.31B.005.

Sec. 3. RCW 48.41.200 and 2007 c 259 s 28 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person, other than a person eligible for a rate reduction under subsection (4) of this section, whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person, other than a person eligible for a rate reduction under subsection (4) of this section, whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

(4) The rate for any person eligible for pool coverage under RCW 48.41.100(1)(a)(i) shall be reduced as follows:

(a) The rate for a person whose current modified adjusted gross income is less than or equal to two hundred percent of the federal poverty level must be reduced by eighty percent from what it otherwise would be;

(b) The rate for a person whose current modified adjusted gross

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

income is more than two hundred percent, but less than or equal to three hundred percent of the federal poverty level must be reduced by sixty percent from what it otherwise would be;

(c) The rate for a person whose current modified adjusted gross income is more than three hundred percent, but less than or equal to four hundred percent of the federal poverty level must be reduced by fifty percent from what it otherwise would be; and

(d) The rate for a person whose current modified adjusted gross income is more than four hundred percent of the federal poverty level must be reduced by thirty percent from what it otherwise would be.

Sec. 4. RCW 48.41.090 and 2013 2nd sp.s. c 6 s 7 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the total net cost of pool operation which shall include:

(a) Net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses; ~~(and)~~

(b) The amount of pool contributions specified in the state omnibus appropriations act for deposit into the health benefit exchange account under RCW 43.71.060, to assist with the transition of enrollees from the pool into the health benefit exchange created by chapter 43.71 RCW; and

(c) Any rate reductions received by individuals under RCW 48.41.200(4).

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction. The numerator of the fraction equals that member's total number of resident insured persons, including spouse and dependents, covered under all health plans in the state by that member during the preceding calendar year. The denominator of the fraction equals the total number of resident insured persons, including spouses and dependents, covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan;

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person;

(iii) Health plans serving medical care services program clients under RCW 74.09.035 are exempted from the calculation; and

(iv) Health plans established to serve elderly clients or medicaid clients with disabilities under chapter 74.09 RCW when the plan has been implemented on a demonstration or pilot project basis are exempted from the calculation until July 1, 2009.

(c) Except as provided in RCW 48.41.037, any deficit incurred by the pool, including pool contributions for deposit into the health benefit exchange account, shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members. The monthly per member assessment may not exceed the 2013 assessment level. If the maximum assessment is insufficient to cover a pool deficit the assessment shall be used first to pay all incurred losses and pool administrative expenses, with the remainder being available for deposit in the health benefit exchange account.

(3) The board may abate or defer, in whole or in part, the

assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) Subject to the limitation imposed in subsection (2)(c) of this section, the pool administrator shall transfer the assessments for pool contributions for the operation of the health benefit exchange to the treasurer for deposit into the health benefit exchange account with the quarterly assessments for 2014 as specified in the state omnibus appropriations act. If assessments exceed actual losses and administrative expenses of the pool and pool contributions for deposit into the health benefit exchange account, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act expire December 31, 2019.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 48.41.200 and 48.41.090; adding a new section to chapter 41.05 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Substitute House Bill No. 2408.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 2408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator Rivers spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2408.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2408 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darnelle, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Warnick and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408, 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

ENGROSSED HOUSE BILL NO. 2750, by Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson

Concerning quality in assisted living facilities.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) Washington state is ranked number one in the nation in offering quality choices in its long-term services and supports system. Assisted living facilities are an important part of the state's long-term services and supports plan;

(2) Consumers should have access to current information about assisted living facilities to make informed choices;

(3) Washingtonians choose to live in assisted living facilities for many different reasons including safety, access to care, socialization, rehabilitation, and community;

(4) Deciding where to live and what kind of facility to live in are big decisions for potential residents and families. They deserve to have access to all information collected by the state to use in making their decisions. Providing transparency will allow for more informed consumer choices;

(5) Consumers already have access to information on nursing homes and adult family homes. This act would bring assisted living facilities in line with other settings; and

(6) Assisted living facilities need to be held accountable for the residents in their care and the fine structure should be reflective of that responsibility.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

The department shall provide information to consumers about assisted living facilities. This information must be made available online and must include information related to site visits, substantiated inspection and complaint investigation reports, including any citation and remedy imposed, and a listing of licensed assisted living facilities by geographic location.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall facilitate a work group process to recommend quality metrics for assisted living facilities. The department shall keep a public record of comments submitted by stakeholders throughout the work group process.

(2) The work group shall consist of representatives from the department, assisted living provider associations, the long-term care ombuds; organizations with expertise in serving persons with mental health needs in an institutional setting, as selected by the department; organizations with expertise in serving persons with

developmental disability needs in an institutional setting, as selected by the department; organizations with expertise in serving culturally diverse and non-English-speaking persons in an institutional setting, as selected by the department; health care professionals with experience caring for diverse and non-English-speaking patients, as selected by the department; licensed health care professionals with experience caring for geriatric patients, as selected by the department; and an Alzheimer's advocacy organization. The work group may solicit input from individuals with additional expertise, if necessary.

(3) The work group shall make an interim report by September 1, 2019, and final recommendations to the appropriate legislative committees by September 1, 2020, and shall include a dissent report if agreement is not achieved among stakeholders and the department.

(4) The work group must submit recommendations for a quality metric system, propose a process for monitoring and tracking performance, and recommend a process to inform consumers.

(5) The department shall include at least one meeting dedicated to review and analysis of other states with quality metric methodologies for assisted living and must include information on how well each state is achieving quality care outcomes. In addressing data metrics the work group shall consider whether the data that must be reported reflect and promote quality of care and whether reporting the data is unnecessarily burdensome upon assisted living facilities.

Sec. 4. RCW 18.20.190 and 2012 c 10 s 13 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an assisted living facility provider has:

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

(b) Operated an assisted living facility without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions, using a tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of ~~((not more than))~~ at least one hundred dollars per day per violation. ~~Until July 1, 2019, the civil penalties may not exceed one thousand dollars per day per violation. Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed two thousand dollars per day per violation. Beginning July 1, 2020, the civil penalties may not exceed three thousand dollars per day per violation;~~

(d) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed facility;

~~((e))~~ (e) Suspend, revoke, or refuse to renew a license;

~~((f))~~ (f) Suspend admissions to the assisted living facility by imposing stop placement; or

~~((g))~~ (g) Suspend admission of a specific category or

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

categories of residents as related to the violation by imposing a limited stop placement.

(3) When the department orders stop placement or a limited stop placement, the facility shall not admit any new resident until the stop placement or limited stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement or limited stop placement. The department shall terminate the stop placement or limited stop placement when: (a) The violations necessitating the stop placement or limited stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations that the department reasonably believes will result in a new stop placement or new limited stop placement, the previous stop placement or limited stop placement shall remain in effect until the new stop placement or new limited stop placement is imposed.

(4) After a department finding of a violation for which a stop placement or limited stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, limited stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

(6) All receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account created in RCW 18.20.430.

(7) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents.

Sec. 5. RCW 18.20.430 and 2016 sp.s. c 36 s 912 are each amended to read as follows:

The assisted living facility temporary management account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. 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. Expenditures from the account may be used only for the protection of the health, safety, welfare, or property of residents of assisted living facilities found to be deficient. Uses of the account include, but are not limited to:

(1) Payment for the costs of relocation of residents to other facilities;

(2) Payment to maintain operation of an assisted living facility

pending correction of deficiencies or closure, including payment of costs associated with temporary management authorized under this chapter; ~~(and)~~

(3) Reimbursement of residents for personal funds or property lost or stolen when the resident's personal funds or property cannot be recovered from the assisted living facility or third-party insurer; and

(4) The protection of the health, safety, welfare, and property of residents of assisted living facilities found to be noncompliant with licensing standards.

~~((During the 2015-2017 fiscal biennium, the account may be expended for funding the costs associated with the assisted living program.))"~~

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.20.190 and 18.20.430; adding new sections to chapter 18.20 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed House Bill No. 2750.

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

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed House Bill No. 2750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2750.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2750 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fain, Fortunato, Honeyford, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED HOUSE BILL NO. 2750, 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

SUBSTITUTE HOUSE BILL NO. 2998, by House Committee on Finance (originally sponsored by Representatives Robinson, Cody, Jinkins, Tharinger and Ormsby)

Providing a business and occupation tax exemption for accountable communities of health.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 2998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Frockt, the rules were suspended and Substitute House Bill No. 2998 was returned to second reading for the purpose of amendment.

MOTION

Senator Frockt moved that the following floor amendment no. 948 by Senator Frockt be adopted:

On page 2, line 13, after "subdivision" insert ", or a hospital that is affiliated with a state institution,"

Senator Frockt spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Becker: "Thank you Mr. President. Because this is so new would Senator Frockt be willing to yield to a question?"

President Habib: "Senator Frockt?"

Senator Frockt: "I, I would be happy to yield, I don't know if I'll an answer, good answer for the, the gentlelady."

Senator Becker: "I can totally appreciate that Senator Frockt, and I'm sorry to put you on the spot, but, that a hospital that is affiliated with a state institution, is that only the University of Washington, or can that mean other hospitals?"

Senator Frockt: "Well, Madame Chair, the way that it's written, that certainly could mean another institution as far as I understand it, so I guess it would."

Senator Becker: "So could that then mean that any hospital around the state of Washington that is not a, or that is a for profit hospital would then be able to deduct B&O tax from, because of this amendment?"

Senator Frockt: "Well I think, I think I believe "state institution" refers to the university system, I believe that's what it'd referring to."

Senator O'Ban spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Liias, further consideration of Substitute House Bill No. 2998 was deferred and the bill held its place on the second reading calendar.

MOTION

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

MESSAGES FROM THE HOUSE

March 7, 2018

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED HOUSE BILL NO. 2519. The Speaker has appointed the following members as Conferees: Representatives Jinkins, Lovick, Taylor and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6317,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1506 and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1896,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032. The Speaker has appointed the following members as Conferees: Representatives Ormsby, Sullivan, Chandler and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 7, 2018

MR. PRESIDENT:

The House replaces Representative Sullivan as Conferee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 with Representative Robinson.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6034. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6034-S.E AMH DEBO SMIL 132, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means high-speed internet access and other advanced telecommunications services.

(b) "Broadband network" means networks of deployed telecommunications equipment and technologies necessary to provide broadband.

(c) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(d) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(f) "Retail internet service" means the provision of broadband to end users.

(g) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide retail internet service on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section. The authority provided in this subsection expires five years after the effective date of this act for any public utility district that has not either entered into a partnership payment structure to finance broadband deployment or been petitioned to provide retail internet service within that time period.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations or adjustments to, a business case plan developed in accordance with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide retail internet service on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district board of commissioners in an open meeting.

(8)(a) Except as provided in subsection (9) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must

state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (9) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area meeting the provisions of subsections (2) and (4) of this section proper facilities and connections for retail internet service as requested.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

NEW SECTION. Sec. 2. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2)(a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to

binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section." Correct the title.

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034.

Senators Rolfes and Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House, 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Schoesler and Short

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 6, 2018

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6055. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6055-S AMH FITZ HATF 213, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot (*Rhagoletis pomonella*) established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than four times per calendar year; and

(d) The city or town must issue a media advisory announcing any burning conducted under this section prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

(c) Alternatives to outdoor burning, such as composting, chipping, biochar production, and biomass electrical generation; and

(d) A comparison of the costs of such alternatives.

(3) This section expires July 1, 2020.

Sec. 4. RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant

pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hawkins moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6055.

Senator Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hawkins that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6055.

The motion by Senator Hawkins carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6055 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6055, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the House, 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, 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, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE SENATE BILL NO. 6055, as amended by the House, 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 sixth order of business.

The Senate resumed consideration of Substitute House Bill No. 2998 which it had deferred earlier in the day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2998, by House Committee on Finance (originally sponsored by Representatives Robinson, Cody, Jinkins, Tharinger and Ormsby)

Providing a business and occupation tax exemption for accountable communities of health.

Floor amendment no. 948 was before the body.

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 948 by Senator Frockt on page 2, line 13 to Substitute House Bill No. 2998.

The motion by Senator Frockt carried and floor amendment no. 948 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 2998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Becker and O'Ban spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Baumgartner: "Thank you Mr. President I was hoping that either Senator Rolfes or Senator Frockt would yield to a question."

President Habib: "Well who, who would you like to ask?"

Senator Baumgartner: "Well Senator Rolfes but she's not on the floor at the moment so I would take the question to Senator Frockt as well too."

President Habib: "Senator Frockt?"

Senator Frockt: "Sure, why not, let's have a party, let's do it. Bring it. Bring it, Baumgartner."

Senator Baumgartner: "Thank you, I know, I know B&O tax cuts can be quite contentious, do we have a commitment from the Governor to sign this bill?"

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2998.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2998 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, 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, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2998, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:01 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 9:21 p.m. by President Habib.

SECOND READING

HOUSE BILL NO. 2271, by Representatives Muri, Kilduff, Fey, Sawyer, Klippert, Jinkins, Griffey and Kraft

Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, House Bill No. 2271 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.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Frockt yield to a question?"

Senator Frockt: "No."

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2271.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2271 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias,

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

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

Excused: Senator Walsh

HOUSE BILL NO. 2271, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Lytton, Fey and Doglio)

Promoting renewable natural gas.

The measure was read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 946 by Senator Warnick be adopted:

On page 11, line 22, after "landfill" insert "or processing biogas from an anaerobic digester or landfill into marketable coproducts"

On page 16, beginning on line 25, after "digester" strike all material through "coproducts" on line 26

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 946 by Senator Warnick on page 11, line 22 to Engrossed Substitute House Bill No. 2580.

The motion by Senator Warnick carried and floor amendment no. 946 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 2580 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2580 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2580 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Hasegawa

Excused: Senator Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 2638, by House Committee on Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Appleton and Ortiz-Self)

Creating a graduated reentry program of partial confinement for certain offenders.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2638.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2638 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Schoesler, Sheldon, Short, Wagoner and Wilson

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2638, 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

SUBSTITUTE HOUSE BILL NO. 3002, by House Committee on Appropriations (originally sponsored by Representative Ormsby)

Relating to making expenditures from the budget stabilization account for declared catastrophic events. Revised for 1st Substitute: Making expenditures from the budget stabilization account for declared catastrophic events.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended,

Substitute House Bill No. 3002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 3002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 3002 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, 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, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 3002, 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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334, by House Committee on Appropriations (originally sponsored by Representatives Sawyer and Kloba)

Regulating the use of cannabinoid additives in marijuana products.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute House Bill No. 2334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2334.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2334 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

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

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Honeyford, Padden, Sheldon, Short,

Warnick and Wilson

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334, 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 fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2008 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Frockt moved that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2008.

The President declared the question before the Senate to be motion by Senator Frockt that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2008.

The motion by Senator Frockt carried and the Senate receded from its position in the Senate amendment(s) to Engrossed House Bill No. 2008 by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended and Engrossed House Bill No. 2008 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED HOUSE BILL NO. 2008, by Representatives Kagi, Jenkins and Senn

Addressing the budgeting process for core state services for children.

MOTION

Senator Frockt moved that the following striking floor amendment no. 950 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that effective planning for and implementation of core state services for children requires predictability and stability in the budgeting process for these services. For these reasons, the legislature intends that costs for behavioral rehabilitation services, child protective services staff, and contracted visitation services be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting program caseloads, and incorporating forecast-based program

FIFTY NINTH DAY, MARCH 7, 2018

costs into the maintenance level budget, the state can ensure predictable funding levels for this program.

NEW SECTION. Sec. 2. (1) The children and families services program of the department of social and health services through June 30, 2018, and of the department of children, youth, and families effective July 1, 2018, shall facilitate a stakeholder work group in a collaborative effort to design a behavioral rehabilitation services rate payment methodology that is based on actual provider costs of care. The work group may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, and in compliance with RCW 43.01.036, the department of children, youth, and families must submit a report with the final work group findings and recommendations to the appropriate legislative committees.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The office of innovation, alignment, and accountability must develop a single validated tool to assess the care needs of foster children. Once the validated tool is available for use on a statewide basis, the department of children, youth, and families must use the tool for assessing the care needs of foster children, including but not limited to whether the department should provide foster children with behavioral rehabilitation services. The department must notify the caseload forecast council, the office of financial management, and the appropriate fiscal committees of the legislature when it begins statewide use of the validated tool.

Sec. 4. RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council

2018 REGULAR SESSION

shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW (~~(43.215.405)~~) 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.88 RCW to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect;

(3) Court-ordered parent-child and sibling visitations delivered by contractors; and

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on the effective date of this section including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

NEW SECTION. Sec. 6. (1) No later than December 1, 2020, the department of children, youth, and families shall report to the appropriate committees of the legislature on the actual and projected funding levels in fiscal years 2019 through 2021 for section 5 (1) through (3) of this act and compare them to expenditures prior to inclusion in the maintenance level forecasting and budgeting process.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 7. (1) The department of children, youth, and families shall, as part of its budget request submittal for the 2019-2021 biennial operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

(a) An analysis of the need for licensed foster homes;

(b) A listing of support resources available for parents in

licensed foster homes; and

(c) A review of department policies that affect the recruitment and retention of licensed foster homes.

A report containing the results of the review shall be submitted to the office of financial management and the appropriate policy and appropriation committees of the legislature no later than October 1, 2018.

(2) This section expires October 1, 2018."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; creating new sections; and providing expiration dates."

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

Senator Braun spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 950 by Senator Frockt to Engrossed House Bill No. 2008.

The motion by Senator Frockt carried and striking floor amendment no. 950 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed House Bill No. 2008 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Braun spoke in favor of passage of the bill.

Senator Baumgartner spoke on passage of the bill.

MOTION

On motion of Senator Padden, and without objection, the rules were suspended to allow Senator Frockt to speak a second time.

Senator Frockt spoke in favor of passage of the bill.

MOTION

On motion of Senator Baumgartner, and without objection, the rules were suspended to allow Senator Baumgartner to speak a second time.

Senator Baumgartner spoke on passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Alright. We're, we're, we're, we're gonna, we're gonna take this vote and I've asked, I've asked the leadership, spoken with the leadership of both parties. The rule is in place and I'd also remind members please speak to the measure that's directly before the Senate, those are in your rules, it's not me dictating it to you."

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2008 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2008 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 45; Nays, 3; 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, Takko, Van De Wege, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Short and Wagoner

Excused: Senator Walsh

ENGROSSED HOUSE BILL NO. 2008, as amended by the Senate, 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.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2748 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 2748 and ask the House to concur thereon.

Senators Wellman and Zeiger spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate insist on its position in the Senate amendment(s) to Substitute House Bill No. 2748 and ask the House to concur thereon.

The motion by Senator Wellman carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 2748 and asked the House to concur thereon by voice vote.

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:

HOUSE BILL NO. 1336,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
HOUSE BILL NO. 2435,
HOUSE BILL NO. 2468,
HOUSE BILL NO. 2474,
SUBSTITUTE HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2612,
HOUSE BILL NO. 2649,
SECOND SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2696,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701,
HOUSE BILL NO. 2785,
SUBSTITUTE HOUSE BILL NO. 2822,
HOUSE BILL NO. 2858,
SUBSTITUTE HOUSE BILL NO. 2887,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,

FIFTY NINTH DAY, MARCH 7, 2018

2018 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2951,
 ENGROSSED HOUSE BILL NO. 2957,
 SUBSTITUTE HOUSE BILL NO. 2970,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
 ENGROSSED FOURTH SUBSTITUTE SENATE BILL
 NO. 5251,
 ENGROSSED SENATE BILL NO. 5518,
 SUBSTITUTE SENATE BILL NO. 6126,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
 SENATE BILL NO. 6298,
 SENATE BILL NO. 6363,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6413.

March 1, 2018

To the Honorable President and Members,
 The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 6617 entitled:

"AN ACT Relating to records disclosure obligations of the legislative branch."

At the request of a number of lawmakers, I am vetoing Engrossed Senate Bill 6617 in its entirety so that the Legislature can engage with the public and stakeholders in a transparent process to discuss and consider legislative public records issue.

While a wide majority of lawmakers voted for Engrossed Senate Bill 6617 as a genuine effort to create clarity and increase transparency, the process was seriously flawed. I applaud Washingtonians for making their voices heard as well as legislators' thoughtful reconsideration.

For these reasons I have vetoed Engrossed Senate Bill No. 6617 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
 Governor

MOTION

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

MESSAGES FROM THE GOVERNOR

March 06, 2018

To the Honorable President and Members,
 The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 6, 2018, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5992
 Relating to trigger modification devices.

Engrossed Substitute Senate Bill No. 6037
 Relating to the uniform parentage act. Sincerely,

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MOTION

At 10:08 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Thursday, March 8, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

1336	President Signed.....	34	2580-S	Committee Report.....	14
1506-S2	Messages.....	26		Introduction & 1st Reading.....	1
1792-S	Committee Report.....	13		Messages.....	1
1896-S2	Messages.....	26		Second Reading.....	31
2008	Other Action.....	32		Third Reading Final Passage.....	31
	Second Reading.....	32	2595-S2	Messages.....	26
	Third Reading Final Passage.....	34	2610-S	Messages.....	26
2009-S2	Messages.....	26	2612-S	President Signed.....	34
2269-S2	Committee Report.....	13	2638-S	Committee Report.....	14
2271	Committee Report.....	14		Second Reading.....	31
	Second Reading.....	30		Third Reading Final Passage.....	31
	Third Reading Final Passage.....	30	2649	President Signed.....	34
2334-S2	Committee Report.....	14	2671-S2	President Signed.....	34
	Introduction & 1st Reading.....	1	2696-S	President Signed.....	34
	Messages.....	1	2700-S	President Signed.....	34
	Second Reading.....	32	2701-S	President Signed.....	34
	Third Reading Final Passage.....	32	2750	Other Action.....	25
2356-S	President Signed.....	34		Second Reading.....	24
2406-S	Messages.....	26		Third Reading Final Passage.....	25
2408-S	Other Action.....	23	2785	President Signed.....	34
	Second Reading.....	22	2822-S	President Signed.....	34
	Third Reading Final Passage.....	23	2858	President Signed.....	34
2435	President Signed.....	34	2887-S	President Signed.....	34
2448-S	Other Action.....	19	2938-S	President Signed.....	34
	Second Reading.....	16	2951-S	President Signed.....	35
	Third Reading Final Passage.....	19	2957	President Signed.....	35
2468	President Signed.....	34	2970-S	President Signed.....	35
2474	President Signed.....	34	2990-S	Other Action.....	20
2515-S	President Signed.....	34			
2519	Messages.....	26			

Second Reading	19	6413-S	
Third Reading Final Passage	20	President Signed.....	35
2998-S		6614	
Other Action.....	26, 30	Other Action.....	12, 15
Second Reading	25, 26, 30	Second Reading	7, 10, 12
Third Reading Final Passage	30	6614-S	
3002-S		Other Action.....	20
Committee Report.....	14	Second Reading	7, 8
Second Reading	31	Third Reading Final Passage	21
Third Reading Final Passage	32	9321 Blaine Tamaki	
3003-S		Confirmed	7
Introduction & 1st Reading.....	14	CHAPLAIN OF THE DAY	
Messages	14	Akram, Azam, Imam at Ahmiadiyya Muslim	
4415		Community Center, Lynnwood	1
Adopted.....	15	FLAG BEARERS	
Introduction & 1st Reading.....	15	Kay, Miss Abigail	1
Messages	14	Kaya, Mr. Kartal	1
Second Reading	15	GUESTS	
5143-S		Rautenberg, Mr. Kevin (Pledge of	
President Signed.....	35	Allegiance).....	1
5251-S4		MESSAGE FROM GOVERNOR	35
President Signed.....	35	PRESIDENT OF THE SENATE	
5518		Remarks by the President.....	6, 21, 34
President Signed.....	35	Reply by the President	21
5627-S		Ruling by the President.....	15, 20
Second Reading	16	WASHINGTON STATE SENATE	
Third Reading Final Passage	16	Parliamentary Inquiry, Senator Baumgartner	
6032-S		13
Messages	26	Personal Privilege, Senator Angel	6
6034-S		Personal Privilege, Senator Bailey.....	5
Final Passage as amended by House.....	28	Personal Privilege, Senator Baumgartner	1
Other Action.....	28	Personal Privilege, Senator Becker.....	4
6055-S		Personal Privilege, Senator Billig.....	3
Final Passage as amended by House.....	29	Personal Privilege, Senator Braun	4, 12
Other Action.....	29	Personal Privilege, Senator Brown	5
6126-S		Personal Privilege, Senator Ericksen	6
President Signed.....	35	Personal Privilege, Senator Frockt.....	5
6127-S		Personal Privilege, Senator Hasegawa.....	5
President Signed.....	35	Personal Privilege, Senator Hobbs.....	4
6269-S2		Personal Privilege, Senator Honeyford.....	7
Messages	26	Personal Privilege, Senator Hunt	6
6298		Personal Privilege, Senator Keiser.....	3
President Signed.....	35	Personal Privilege, Senator Schoesler.....	3
6317-S		Point of Inquiry, Senator Baumgartner	30
Messages	26	Point of Inquiry, Senator Becker	26
6363		Point of Inquiry, Senator Honeyford	30
President Signed.....	35	Point of Order, Senator Braun	15, 21