

SIXTY FIFTH LEGISLATURE - REGULAR SESSION**FIFTY NINTH DAY**

House Chamber, Olympia, Wednesday, March 7, 2018

The House was called to order at 7:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katie Astruon and David Banica. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Laurie Jinkins of the 27th Legislative District.

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

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

INTRODUCTION & FIRST READING

HB 3012 by Representatives Stanford, Slatter, Wylie, Reeves, Kloba, Ryu, Gregerson, Dolan, Peterson, Hudgins, Appleton, Fitzgibbon, Ortiz-Self, Sells and Santos

AN ACT Relating to eliminating child marriage; amending RCW 26.04.010, 26.04.130, and 26.04.210; and creating a new section.

Referred to Committee on Judiciary.

HB 3013 by Representatives Morris and Santos

AN ACT Relating to expanding the scope and resources for public records access; amending RCW 42.56.010 and 42.56.070; adding a new section to chapter 42.56 RCW; adding a new section to chapter 44.04 RCW; repealing RCW 42.56.560; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government, Elections & Information Technology.

HCR 4415 by Representative Sullivan

Exempting SHB 3003 from the cutoff resolution.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4415

which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

March 7, 2018

SB 6007 Prime Sponsor, Senator Takko: Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Orcutt, Ranking Minority Member; Condotta; Dolan; Nealey; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Pollet.

MINORITY recommendation: Without recommendation. Signed by Representative Frame, Vice Chair.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representative Sullivan

Exempting SHB 3003 from the cutoff resolution.

The concurrent resolution was read the second time.

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

Representatives Sullivan and Hayes spoke in favor of the passage of the resolution.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted.

HOUSE BILL NO. 3003, by Representatives Goodman and Hayes

Relating to law enforcement. Revised for 1st Substitute: Concerning law enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3003 was substituted for House Bill No. 3003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3003 was read the second time.

Representative Goodman moved the adoption of amendment (1421):

On page 8, line 27, after "effect" strike all material through "session" on line 31 and insert "June 8, 2018, only if chapter . . . (Initiative Measure No. 940), Laws of 2018, is passed by a vote of the legislature during the 2018 regular legislative session and a referendum on the initiative under Article II, section 1 of the state Constitution is not certified by the secretary of state. If the initiative is not approved during the 2018 regular legislative session, or if a referendum on the initiative is certified by the secretary of state"

Representatives Goodman and Hayes spoke in favor of the adoption of the striking amendment.

Amendment (1421) was adopted.

Representative Rodne moved the adoption of amendment (1422):

Strike everything after the enacting clause and insert the following:

"PART I

TITLE AND INTENT

NEW SECTION. **Sec. 1.** This act may be known and cited as the law enforcement training and community safety act.

NEW SECTION. **Sec. 2.** The intent of the people in enacting this act is to make our communities safer. This is accomplished by requiring law enforcement officers to obtain violence de-escalation and mental health training, so that officers will have greater skills to resolve conflicts without the use of physical or deadly force. Law enforcement officers will receive first aid training and be required to render first aid, which will

save lives and be a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts. Finally, the initiative adopts a "good faith" standard for officer criminal liability in those exceptional circumstances where deadly force is used, so that officers using deadly force in carrying out their duties in good faith will not face prosecution.

PART II

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE VIOLENCE DE-ESCALATION TRAINING

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

PART III

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE MENTAL HEALTH TRAINING

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive mental health training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first

fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing mental health training to update their knowledge about mental health issues and associated legal requirements, and to update and practice skills for interacting with people with mental health issues.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

PART IV

TRAINING REQUIREMENTS SHALL BE SET IN CONSULTATION WITH LAW ENFORCEMENT AND COMMUNITY STAKEHOLDERS

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Within six months after the effective date of this section, the commission must consult with law enforcement agencies and community stakeholders and adopt rules for carrying out the training requirements of sections 3 and 4 of this act. Such rules must, at a minimum:

(a) Adopt training hour requirements and curriculum for initial violence de-escalation trainings required by this act;

(b) Adopt training hour requirements and curriculum for initial mental health trainings required by this act, which may include all or part of the mental health training curricula established under RCW 43.101.227 and 43.101.427;

(c) Adopt annual training hour requirements and curricula for continuing trainings required by this act;

(d) Establish means by which law enforcement officers will receive trainings required by this act; and

(e) Require compliance with this act's training requirements.

(2) In developing curricula, the commission shall consider inclusion of the following:

(a) De-escalation in patrol tactics and interpersonal communication

training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence;

(b) Alternatives to jail booking, arrest, or citation in situations where appropriate;

(c) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;

(d) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities and/or behavioral health issues;

(e) "Shoot/don't shoot" scenario training;

(f) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(g) Mental health and policing, including bias and stigma; and

(h) Using public service, including rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

(3) The initial violence de-escalation training must educate officers on the good faith standard for use of deadly force established by this act and how that standard advances violence de-escalation goals.

(4) The commission may provide trainings, alone or in partnership with private parties or law enforcement agencies, authorize private parties or law enforcement agencies to provide trainings, or any combination thereof. The entity providing the training may charge a reasonable fee.

PART V

ESTABLISHING LAW ENFORCEMENT OFFICERS' DUTY TO RENDER FIRST AID

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.28A RCW to read as follows:

(1) It is the policy of the state of Washington that all law enforcement

personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

(2) Within one year after the effective date of this section, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, organizations representing state and local law enforcement officers, health providers and/or health policy organizations, tribes, and community stakeholders, shall develop guidelines for implementing the duty to render first aid adopted in this section. The guidelines must:

(a) Adopt first aid training requirements;

(b) Address best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to anyone injured in a scene controlled by law enforcement or as a result of law enforcement action; and

(c) Assist agencies and law enforcement officers in balancing the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

PART VI

ADOPTING A "GOOD FAITH" STANDARD FOR LAW ENFORCEMENT OFFICER USE OF DEADLY FORCE

Sec. 7. RCW 9A.16.040 and 1986 c 209 s 2 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer applies deadly force (~~(is acting)~~) in obedience to the judgment of a competent court; or

(b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty(~~(-)~~); or

(c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under

the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; (~~(or)~~)

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

(3) A public officer (~~(or peace officer)~~) covered by subsection (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and

information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(5) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

NEW SECTION. Sec. 8. Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force. The criminal justice training commission must adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section.

NEW SECTION. Sec. 9. Whenever a law enforcement officer's application of force results in the death of a person who is an enrolled member of a federally recognized Indian tribe, the law enforcement agency must notify the governor's office of Indian affairs. Notice by the law enforcement agency to the governor's office of Indian affairs must be made within a reasonable period of time, but not more than twenty-four hours after the law enforcement agency has good reason to believe that the person was an enrolled member of a federally recognized Indian tribe. Notice provided under this section must include sufficient information for the governor's office of Indian affairs to attempt to identify the deceased person

and his or her tribal affiliation. Nothing in this section requires a law enforcement agency to disclose any information that could compromise the integrity of any criminal investigation. The governor's office of Indian affairs must establish a means to receive the notice required under this section, including outside of regular business hours, and must immediately notify the tribe of which the person was enrolled.

NEW SECTION. Sec. 10. A new section is added to chapter 9A.16 RCW to read as follows:

(1) When a peace officer who is charged with a crime is found not guilty or charges are dismissed by reason of justifiable homicide or use of deadly force under RCW 9A.16.040, or by reason of self-defense, for actions taken while on duty or otherwise within the scope of his or her authority as a peace officer, the state of Washington shall reimburse the defendant for all reasonable costs, including loss of time, legal fees incurred, and other expenses involved in his or her defense. This reimbursement is not an independent cause of action.

(2) If the trier of fact makes a determination of justifiable homicide, justifiable use of deadly force, or self-defense, the judge shall determine the amount of the award.

(3) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section is decided by a judge, or whenever charges against a peace officer are dismissed based on the merits, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

(4) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, the court shall instruct the jury to return a special verdict in substantially the following form:

answer yes
or no

1. Was the defendant on duty or otherwise acting within

the scope of his or her authority as a peace officer?

2. Was the finding of not guilty based upon justifiable homicide, justifiable use of deadly force, or self-defense?

(5) Nothing in this section precludes the legislature from using the sundry claims process to grant an award where none was granted under this section or otherwise where the charge was dismissed prior to trial, or to grant a higher award than one granted under this section.

PART VII

MISCELLANEOUS

NEW SECTION. Sec. 11. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act. Nothing in this act precludes local jurisdictions or law enforcement agencies from enacting additional training requirements or requiring law enforcement officers to provide first aid in more circumstances than required by this act or guidelines adopted under this act.

NEW SECTION. Sec. 12. Except where a different timeline is provided in this act, the Washington state criminal justice training commission must adopt any rules necessary for carrying out the requirements of this act within one year after the effective date of this section. In carrying out all rule making under this act, the commission shall seek input from the attorney general, law enforcement agencies, the Washington council of police and sheriffs, the Washington state fraternal order of police, the council of metropolitan police and sheriffs, the Washington state patrol troopers association, at least one association representing law enforcement who represent traditionally underrepresented communities including

the black law enforcement association of Washington, de-escalate Washington, tribes, and community stakeholders. The commission shall consider the use of negotiated rule making.

Where this act requires involvement of community stakeholders, input must be sought from organizations advocating for: Persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; non-citizens; native Americans; youth; and formerly incarcerated persons.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 8 and 9 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 15. For constitutional purposes, the subject of this act is "law enforcement."

NEW SECTION. Sec. 16. This act constitutes an alternative to Initiative Measure No. 940. The secretary of state shall place this act on the ballot in conjunction with Initiative Measure No. 940, pursuant to Article II, section 1(a) of the state Constitution."

Correct the title.

Representative Rodne spoke in favor of the adoption of the striking amendment.

Representative Goodman spoke against the adoption of the striking amendment.

Amendment (1422) was not adopted.

The bill was ordered engrossed.

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

Representatives Goodman, Hayes and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3003, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Graves, Hargrove, Irwin, Kretz, Maycumber, McCaslin, McCabe, Muri, Orcutt, Pike, Rodne, Shea, Stambaugh, Steele, Stokesbary, Taylor, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003 was immediately transmitted to the Senate.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

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

THIRD READING

March 6, 2018

MR. SPEAKER:

The Senate 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.

Brad Hendrickson, Secretary

CONFERENCE COMMITTEE REPORT

March 6, 2018
Engrossed House Bill No. 1506

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 1506, addressing workplace practices to achieve gender pay equity, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (S-6138.2/18) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state (~~employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males~~) who discriminates in any way in providing compensation based on gender between similarly employed (~~(, or in any employment formerly performed by males, shall be)~~) employees of the employer is guilty of a misdemeanor. If any (~~female~~) employee (~~shall~~) receives less compensation because of (~~being discriminated against~~) discrimination on account of (~~her sex, and~~) gender in violation of this section, (~~she shall be~~) that employee is entitled to (~~recover in a civil action the full amount of compensation that she would have received had she not been discriminated against~~) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to (~~her~~) the employee upon account. (~~A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.~~)

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not

determinative of whether employees are similarly employed.

(3) (a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

NEW SECTION. Sec. 4. (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3)(a) (i) through (iii) (as recodified by this act) does not constitute discrimination

within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the employee actual damages, statutory damages equal to the actual damages or five thousand dollars, whichever is greater, and interest of one percent per month on all compensation owed;

(ii) The employer to pay to the department the costs of investigation and enforcement; and

(iii) Any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment

to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Section 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. Sec. 5. (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. **Sec. 6.** An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. **Sec. 7.** (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each

affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from four years from the last violation before the complaint.

NEW SECTION. **Sec. 8.** (1) Subject to subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. The employee must bring a civil action within three years of the date of the alleged violation of this chapter regardless of whether the employee pursued an administrative complaint. Filing a civil action under this chapter shall terminate the director's processing of the complaint under section 4 or 7 of this act. Recovery of any wages and interest owed must be calculated from four years from the last violation prior to the date of filing the civil action.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

NEW SECTION. **Sec. 9.** A violation of this chapter occurs when a discriminatory

compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. Sec. 10. The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 11. The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. Sec. 12. RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties."

Senators Keiser, Cleveland and Baumgartner
Representatives Sells, Senn and McCabe

There being no objection, the House adopted the conference committee report on SECOND SUBSTITUTE HOUSE BILL NO. 1506 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Senn and McCabe spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1506 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1506, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Hayes, Holy, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick, Volz and Wilcox.

ENGROSSED HOUSE BILL NO. 1506, as recommended by the conference committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1896, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1896 to second reading for purpose of amendment(s). The Senate further adopted amendment 1896-S2 AMS WELL S6129.1 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 14. The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a

high-quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens.

NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded

in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework and the six proven instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section.

NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education.

NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Effective July 1, 2018, responsibility for administering the Washington history day program is transferred from the Washington state historical society to the office of the superintendent of public instruction. In accordance with this subsection (1)(a), and subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction is responsible for the administration and coordination of the Washington history day program, a program affiliated with the national history day organization, including providing necessary staff support.

(b) Subject to the requirements and limits of (a) of this subsection, the Washington history day program must be operated as a partnership between the office of the superintendent of public instruction, the Washington state historical society, and private parties interested in providing funding and in-kind support for the program. The Washington state historical society must, in coordination with the office of the superintendent of public instruction, promote the program and provide access and support for students who are conducting primary and secondary research of historical Washington state documents and commentary.

(2) The Washington history day account is created in the custody of the state treasurer. In collaboration with private and philanthropic partners, private matching funds will be procured to support Washington history day. All receipts from gifts, grants, or endowments from public or private sources

must be deposited into the account. Expenditures from the account may be used only for the Washington history day program. Only the superintendent of public instruction or the superintendent'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.

Sec. 19. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible

communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 20. RCW 28A.230.093 (Social studies course credits—Civics coursework) and 2009 c 223 s 3 are each repealed."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 43.79A.040; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.093."

Brad Hendrickson, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1896 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan, Manweller, Kagi, Kraft and Eslick spoke in favor of the passage of the bill.

Representative Santos spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1896, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1896, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Caldier, Harris and Santos.

SECOND SUBSTITUTE HOUSE BILL NO. 1896, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009 to second reading for purpose of amendment(s). The Senate further adopted amendment 2009-S2.E AMS RANK S6146.1 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"Sec. 21. RCW 28B.15.621 and 2017 c 127 s 1 are each amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by

the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of five hundred dollars per academic year, to be divided equally among academic terms and prorated for part-time enrollment.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding

the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

- (a) Total number of waivers;
- (b) Total amount of tuition waived;
- (c) Total amount of fees waived;
- (d) Average amount of tuition and fees waived per recipient;
- (e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and
- (f) Recipient income level, to the extent possible."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and amending RCW 28B.15.621."

Brad Hendrickson, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Reeves and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2009, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2009, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves,

Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406 to second reading for purpose of amendment(s). The Senate further adopted amendment 2406-S.E AMS HUNT S6134.1 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 22. It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process.

Sec. 23. RCW 29A.60.185 and 2005 c 242 s 5 are each amended to read as follows:

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of duplicated ballots in accordance with subsection (2) of this section, and an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The

county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c) (iii) (A) and (B) of this subsection.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.

(2) Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated under RCW 29A.60.125. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must

establish procedures for the auditing of duplicated ballots.

(3) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(4) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

Sec. 24. RCW 29A.60.170 and 2011 c 10 s 55 are each amended to read as follows:

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment ~~(may)~~ must be

conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(4), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board (~~and~~). The random check procedures must include a process, consistent with RCW 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

Sec. 25. RCW 29A.60.110 and 2013 c 11 s 61 are each amended to read as follows:

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

Sec. 26. RCW 29A.12.005 and 2013 c 11 s 21 are each amended to read as follows:

As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

(a) To define ballots;

(b) To cast and count votes;

(c) To report or display election results from the voting system; (~~and~~)

(d) To maintain and produce any audit trail information; and

(e) To perform an audit under RCW 29A.60.185; and

(2) The practices and associated documentation used:

(a) To identify system components and versions of such components;

(b) To test the system during its development and maintenance;

(c) To maintain records of system errors and defects;

(d) To determine specific system changes to be made to a system after the initial qualification of the system; and

(e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

NEW SECTION. **Sec. 27.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.010.

(2) Notification under subsection (1) of this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. **Sec. 28.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines;

(b) The system or component was materially misrepresented in the certification application;

(c) The applicant has installed unauthorized modifications to the certified software or hardware; or

(d) Any other reason authorized by rule adopted by the secretary of state.

(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of section 6 of this act.

Sec. 29. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by

the canvassing board, ~~((or))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 30. RCW 29A.60.235 and 2017 c 300 s 1 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;

(s) The number of nonoverseas and nonservice ballots that were rejected for:

(i) Failing to send an original or hard copy of the ballot by the certification deadline; or

(ii) Any other reason, including the reason for rejection;

(t) The number of voters credited with voting; ~~((and))~~

(u) The number of replacement ballots requested;

(v) The number of replacement ballots issued;

(w) The number of replacement ballots received;

(x) The number of replacement ballots counted;

(y) The number of replacement ballots rejected; and

(z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other

relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 29A.60.185, 29A.60.170, 29A.60.110, 29A.12.005, 29A.60.125, and 29A.60.235; adding new sections to chapter 29A.12 RCW; and creating a new section."

Brad Hendrickson, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2406, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2406, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick,

Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595 to second reading for purpose of amendment(s). The Senate further adopted amendment 2595-S2.E AMS HUNT S6133.2 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 31.** This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. **Sec. 32.** (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state

Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I

Sec. 101. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

The department of licensing shall implement an automatic voter registration system so that a person age eighteen years or older who meets requirements for voter registration and has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the department of licensing record associated with the applicant contains the data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010, other information as required by the secretary of state, and includes a signature image. The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 102 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 104. A new section is added to chapter 29A.08 RCW to read as follows:

(1) (a) For persons age eighteen years and older registering under section 102 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in

the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 105. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 106. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 107. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicaid for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicaid and identify the incorrect information.

PART II

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) Beginning July 1, 2019, the health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
- (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.

(4) If the health benefit exchange determines, in consultation with the health care authority, that

implementation of this act requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.08 RCW to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection (3) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

(2)(a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:

- (i) Steps needed to implement automatic voter registration under this act by July 1, 2019;
- (ii) Barriers to implementation, including ways to mitigate those barriers; and
- (iii) Applicable federal and state privacy protections for voter registration information.

(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.

(3) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually

verified by the agency during the client transaction.

(4) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

(5) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

NEW SECTION. Sec. 203. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under section 102 or 201 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under section 102 or 201 of this act, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under section 102 or 201 of this act or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 204. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ~~((or))~~

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to an agency designated under section 202 of this act once automatic voter registration is implemented at the agency.

Sec. 205. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or an agency designated under section 202 of this act once automatic voter registration is implemented at the agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 206. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the health benefit exchange, the department of licensing, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to

the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. **Sec. 207.** A new section is added to chapter 29A.08 RCW to read as follows:

The office of the secretary of state may adopt rules to implement automatic voter registration under this act.

NEW SECTION. **Sec. 208.** Sections 101 through 107 of this act take effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.110, 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new sections; and providing an effective date."

Brad Hendrickson, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO 2595 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hudgins spoke in favor of the passage of the bill.

Representatives Kraft and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2595, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2595, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610 to second reading for purpose of amendment(s). The Senate further adopted amendment 2610-S.E AMS WELL S6136.1 and passed the measure as amended.

and the same is herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 209. A new section is added to chapter 28A.235 RCW to read as follows:

(1) (a) Except as provided otherwise in subsection (2) of this section, each school that participates in the national school lunch program, the school breakfast program, or both, shall annually distribute and collect an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance with application materials in a language other than English, the school shall offer appropriate assistance to the parent or guardian.

(b) If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application to determine eligibility, the school shall, in accordance with the authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit the application for the student.

(2) Subsection (1) of this section does not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals.

NEW SECTION. Sec. 210. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Local liaisons for homeless children and youths designated by districts in accordance with the federal McKinney-Vento homeless assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that each homeless student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(2) Schools and school districts shall improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(3) At least monthly, schools and school districts shall directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to the supplemental nutrition assistance program, the temporary assistance for needy families, and medicaid.

NEW SECTION. Sec. 211. A new section is added to chapter 28A.235 RCW to read as follows:

If a student has not paid for five or more previous meals, the school shall:

(1) Determine whether the student is categorically eligible for free meals;

(2) If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit an application; and

(3) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance.

NEW SECTION. **Sec. 212.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) No school or school district personnel or school volunteer may:

(a) Take any action that would publicly identify a student who cannot pay for a school meal or for meals previously served to the student, including but not limited to requiring the student to wear a wristband, hand stamp, or other identifying marker, or by serving the student an alternative meal;

(b) Require a student who cannot pay for a school meal or for meals previously served to the student to perform chores or other actions in exchange for a meal or for the reduction or elimination of a school meal debt, unless all students perform similar chores or work;

(c) Require a student to dispose of an already served meal because of the student's inability to pay for the meal or because of money owed for meals previously served to the student;

(d) Allow any disciplinary action that is taken against a student to result in the denial or delay of a nutritionally adequate meal to the student; or

(e) Require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

(2) Communications from a school or school district about amounts owed for meals previously served to a student under the age of fifteen may only be directed to the student's parent or guardian. Nothing in this subsection prohibits a school or school district from sending a student home with a notification that is addressed to the student's parent or guardian.

(3) (a) A school district shall notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the student's school meal account has reached a negative balance. Within thirty days of sending this notification, the school district shall exhaust all options to directly certify the student for free or reduced-price meals. Within these thirty days, while the school district is attempting to certify the student for free or reduced-price meals, the student may not be denied access to a school meal unless the school district determines

that the student is ineligible for free or reduced-price meals.

(b) If the school district is unable to directly certify the student for free or reduced-price meals, the school district shall provide the parent or guardian with a paper copy of or an electronic link to an application for free or reduced-price meals with the notification required by (a) of this subsection and encourage the parent or guardian to submit the application.

NEW SECTION. **Sec. 213.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016.

NEW SECTION. **Sec. 214.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, 2019, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by September 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. Sec. 215. This act may be known and cited as the hunger-free students' bill of rights act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

Brad Hendrickson, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Valdez and Harris spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2610, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2610, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Holy, Jenkin, Klippert, Kraft, Kristiansen, MacEwen, Manweller, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick, Volz and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6317, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, King, Rivers, Takko, Hasegawa and Saldaña)

Increasing commercial fishing license fees for nonresidents.

The bill was read the second time.

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

Representatives Buys, Blake and Dent spoke in favor of the passage of the bill.

Representative Jenkin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6317.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6317, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Graves, Haler, Hargrove, Harris, Jenkin, Kraft, MacEwen, McCaslin, Nealey, Rodne, Santos, Sawyer, Shea, Stokesbary, Vick and Volz.

SUBSTITUTE SENATE BILL NO. 6317, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate insists on its position in the House amendment to SENATE BILL NO. 6032 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Braun, Billig and Rolfes,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 6032. The Speaker appointed the following members as Conferees: Representatives Ormsby, Sullivan and Chandler.

With the consent of the House, SENATE BILL NO. 6032 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bill and passed the bill as amended by the House: SUBSTITUTE SENATE BILL NO. 6452

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2367, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5598,
ENGROSSED SENATE BILL NO. 5917,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6162,
SECOND SUBSTITUTE SENATE BILL NO. 6274,
SUBSTITUTE SENATE BILL NO. 6313,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6329,
SUBSTITUTE SENATE BILL NO. 6334,
SUBSTITUTE SENATE BILL NO. 6388,
SENATE BILL NO. 6407,

SUBSTITUTE SENATE BILL NO. 6419,
 SENATE BILL NO. 6471,
 SUBSTITUTE SENATE BILL NO. 6474,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6491,
 SUBSTITUTE SENATE BILL NO. 6493,
 SUBSTITUTE SENATE BILL NO. 6514,
 SUBSTITUTE SENATE BILL NO. 6560,

\$3,890,000

Puget Sound Ferry Operations Account—
 State Appropriation\$116,000

TOTAL APPROPRIATION.....~~\$1,696,000~~
 \$4,006,000

and the same are herewith transmitted,

Brad Hendrickson, Secretary

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

THIRD READING

CONFERENCE COMMITTEE REPORT

March 7, 2018
 Senate Bill No. 6106

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6106, making 2017-2019 supplemental transportation appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5166.3/18) be adopted.

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"2017-2019 FISCAL BIENNIUM
GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2017 c 313 s 101
 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor	Vehicle	Account—State
Appropriation		((\$496,000))
		<u>\$512,000</u>

Sec. 102. 2017 c 313 s 103
 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor	Vehicle	Account—State
Appropriation		((\$1,580,000))

The appropriations in this section are subject to the following conditions and limitations: (~~(\$300,000)~~) \$2,570,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must provide a joint status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.

Sec. 103. 2017 c 313 s 105
 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor	Vehicle	Account—State
Appropriation		((\$1,254,000))
		<u>\$1,303,000</u>

The appropriation in this section is subject to the following conditions and limitations: Within the amount provided in this section, the department shall conduct a pilot program to consist of the following activities:

(1) The department shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, with any other notice displayed or

required by department rule to be displayed on motor fuel pumps.

(3) The department shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

Sec. 104. 2017 c 313 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor	Vehicle	Account-State
Appropriation		(\$597,000)
		<u>\$612,000</u>

Sec. 105. 2017 c 313 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Multimodal Transportation	Account-State
Appropriation	\$1,100,000

The appropriation in this section is subject to the following conditions and limitations: \$1,100,000 of the multimodal transportation account-state appropriation is provided solely for self-insurance liability premium expenditures; however, this

appropriation is contingent upon the board:

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account (~~solely for the expenditure of self-insurance premiums~~);

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

NEW SECTION. Sec. 106. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

Motor	Vehicle	Account-State
Appropriation		\$30,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 of the motor vehicle account-state appropriation is provided solely for the department to convene a work group to establish principles, review options, and develop recommendations regarding the establishment of a statewide program with a purpose of reducing fluid leakage from motor vehicles.

(1) The work group must be comprised of public, private, and nonprofit stakeholders and must include at least the Washington stormwater center, stormwater outreach for regional municipalities, the association of Washington cities, and the Washington state association of counties.

(2) The work group shall use the statewide don't drip and drive program established by the department as a model for creating this new program. The work group shall establish principles, review options, and develop recommendations regarding the new program. Recommendations made by the work group shall include, but are not limited to:

(a) Identifying an entity to manage the program;

(b) Potential public, private, and nonprofit partners;

(c) The potential scope of the program; and

(d) Funding requirements and potential funding sources for the program.

(3) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by November 1, 2018.

Sec. 107. 2017 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account-State Appropriation \$1,604,000

Pilotage Account-State Appropriation \$50,000

TOTAL APPROPRIATION..... \$1,654,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the pilotage account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 (marine pilotage tariffs). If chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 is not enacted by June 30, 2018, the amount lapses.

NEW SECTION. Sec. 108. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account-State Appropriation ((~~\$2,126,000~~))
\$2,120,000

NEW SECTION. Sec. 109. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE SENATE**

Motor Vehicle Account-State Appropriation ((~~\$2,029,000~~))
\$2,027,000

TRANSPORTATION AGENCIES-OPERATING

Sec. 201. 2017 3rd sp.s. c 1 s 995 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account-State Appropriation ((~~\$4,266,000~~))
\$4,329,000

Highway Safety Account-Federal Appropriation ((~~\$22,048,000~~))
\$22,205,000

Highway Safety Account-Private/Local Appropriation \$118,000

School Zone Safety Account-State Appropriation \$850,000

TOTAL APPROPRIATION.....\$27,282,000
\$27,502,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter 324, Laws of 2017 ((~~Substitute Senate Bill No. 5402~~)) (bicyclist safety advisory council).

(2) \$1,000,000 of the highway safety account-state appropriation is provided solely for the implementation of section 13(4), chapter 336, Laws of 2017 ((~~Engrossed Second Substitute House Bill No. 1614~~)) (impaired driving). The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the fee, described in section 13(4), chapter 336, Laws of 2017 ((~~Engrossed Second Substitute House Bill No. 1614~~)) (impaired driving), sufficient to cover the costs of administering the program.

Sec. 202. 2017 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account-State Appropriation ((~~\$1,022,000~~))
\$1,056,000

Motor Vehicle Account-State Appropriation ((~~\$2,504,000~~))

	<u>\$2,720,000</u>
County Arterial Preservation Account— State	
Appropriation	((\$1,541,000))
	<u>\$1,592,000</u>
TOTAL APPROPRIATION.....	<u>\$5,067,000</u>
	<u>\$5,368,000</u>

Sec. 203. 2017 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account— State	
Appropriation	((\$4,089,000))
	<u>\$4,317,000</u>

Sec. 204. 2017 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Highway Safety Account—State	
Appropriation	<u>\$150,000</u>
Motor Vehicle Account—State	
Appropriation	((\$1,589,000))
	<u>\$2,030,000</u>
Multimodal Transportation Account— State	
Appropriation.....	((\$700,000))
	<u>\$1,570,000</u>
TOTAL APPROPRIATION.....	<u>\$2,289,000</u>
	<u>\$3,750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account—state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight

and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account-state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account-state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington

airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account-state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

(5)(a) \$360,000 of the motor vehicle account-state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for the joint transportation committee to conduct a study to assess the current state of city transportation funding, identify emerging issues, and recommend funding sources to meet current and future needs. As part of the study, the joint transportation committee shall:

(i) Identify current city transportation funding responsibilities, sources, and gaps;

(ii) Identify emerging issues that may add additional strain on city costs and funding capacity;

(iii) Identify future city funding needs;

(iv) Evaluate alternative sources of funding; and

(v) Recommend sources of funding to address those needs and gaps.

(b) In considering alternative sources of funding, the study shall evaluate sources available outside of the state of Washington that currently are not available in Washington.

(c) In conducting the study, the joint transportation committee must consult with:

(i) City representatives;

(ii) A representative from the department of transportation local programs division;

(iii) A representative from the transportation improvement board;

(iv) A representative from the department of transportation/metropolitan planning organization/regional transportation planning organization coordinating committee; and

(v) Others as appropriate.

(d) The association of Washington cities and the department of transportation shall provide technical support to the study.

(e) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

(6)(a) \$315,000 of the multimodal transportation account-state appropriation is for a consultant study of the capital needs of public transportation systems operated by public transportation benefit areas, metropolitan municipal corporations, cities, counties, and county transportation authorities. The study must include:

(i) An inventory of each agency's vehicle fleet;

(ii) An inventory of each agency's facilities, including the state of repair;

(iii) The replacement and expansion needs of each agency's vehicle fleet, as well as the associated costs, over the next ten years;

(iv) The replacement and expansion needs for each agency's facilities including, but not limited to, such facilities as park and rides, transit centers, and maintenance buildings;

(v) The source of funding, if known, planned to cover the cost of the bus and facilities replacement and expansion needs including, but not limited to, local revenue, state grants, and federal grants;

(vi) The amount of service that could be provided with the local funds that are currently required for each agency's total capital needs; and

(vii) A list of potential state, federal, or local revenue sources that public transportation agencies could access or implement in order to meet agencies' capital needs. These revenue sources may be either currently available sources or sources that would need legislative authorization.

(b) The Washington state transit association and the Washington state department of transportation shall provide technical support to the study.

(c) The joint transportation committee shall issue a report of its findings and recommendations to the transportation committees of the legislature by March 1, 2019.

(7) \$255,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to conduct a study regarding the regulation of transportation network companies within the state of Washington. In conducting the study, the joint transportation committee must consult with relevant representatives of the department of licensing, the utilities and transportation commission, the Washington state patrol, local governments involved in the regulation of transportation network companies, entities providing transportation network services, and other relevant stakeholders. The study must include a review of the regulatory framework used by local jurisdictions within Washington state and in other states, an evaluation of the most effective public safety aspects of a regulatory framework, including among other aspects, the type of required background checks, and an assessment of the most effective and efficient state and local regulatory structure for regulation of transportation network companies. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(8) \$300,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to conduct a study regarding the regulation of taxi

and for hire services regulated by state, local governments, and port districts. The study must compare state and local regulations in the state of Washington that govern these private passenger transportation services and may include recommendations for improving the consistency or overall effectiveness and competitive fairness of the current regulatory frameworks. In conducting the study, the joint transportation committee shall consult with the department of licensing, the utilities and transportation commission, the Washington state patrol, appropriate local entities engaged in the regulation of commercial passenger transportation services, and other relevant stakeholders. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(9) (a) \$150,000 of the highway safety account-state appropriation is for the joint transportation committee to assess and recommend methods for setting state medical standards in the areas listed in (b) of this subsection for commercial driver's license holders and applicants, when these standards are not governed by specific criteria under federal law, to help reduce the current shortage of licensed commercial motor vehicle drivers in the state.

(b) This review must consist of an assessment of possible approaches for developing a method by which to set state standards for:

(i) Medical certification requirements for excepted interstate commercial driver's license holders and applicants, as this class is defined under 49 C.F.R. 383.71, who are not required to obtain medical certification under federal law; and

(ii) Medical waiver requirements for intrastate nonexcepted commercial driver's license holders and applicants, which must be set in a manner consistent with the requirements of 49 C.F.R. Sec. 350.341(h) (2).

(c) The review must include consideration and evaluation of the relevant practices, laws, and regulations of other states. The review must also ensure that recommendations made are consistent with federal law and do not jeopardize federal funding, and

that they incorporate relevant safety considerations.

(d) The joint transportation committee must consult with the department of licensing, the Washington state patrol, the traffic safety commission, the state department of health, and stakeholders who rely on the state's commercial driver's license medical certification process.

(e) The joint transportation committee must issue a report of its findings and recommendations, including an indication of statutory changes needed to implement the recommendations, to the transportation committees of the legislature and the governor by January 14, 2019.

Sec. 205. 2017 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation	(\$2,074,000)	
		\$2,291,000
Multimodal Transportation Account—State Appropriation	\$462,000	
TOTAL APPROPRIATION.....	\$2,536,000	\$2,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the

addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work until stage 2 of the road usage charge pilot project begins. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the ~~((majority leader and minority leader))~~ president of the senate for a senate member vacancy.

(c) Once stage 2 of the road usage charge pilot project begins, the commission shall periodically report to the steering committee with updates on the progress of the Washington state road usage charge pilot project, which is scheduled to be completed in February of 2019.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinance opportunities for the Tacoma Narrows bridge. The work group must include participation from the Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the

Tacoma Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work group must be reimbursed for travel expenses by the commission. The work group must submit a report with its preferred and prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

(3) \$150,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2970), Laws of 2018 (autonomous vehicle work group) for the commission to fund the facilitation and coordination of work group activities. The funding provided is for the purpose of a facilitator for the work group and not for consultants. If chapter . . . (Substitute House Bill No. 2970), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) The commission shall not consider the facility renewal and replacement costs in determining toll rates as part of the initial toll rate setting process on the deep bore tunnel portion of state route number 99.

Sec. 206. 2017 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account-State Appropriation ((~~\$818,000~~))
\$835,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account-state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state

investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

Sec. 207. 2017 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account-State Appropriation ((~~\$480,926,000~~))
\$490,359,000
State Patrol Highway Account-Federal Appropriation ((~~\$14,025,000~~))
\$14,571,000
State Patrol Highway Account-Private/Local Appropriation ((~~\$3,863,000~~))
\$4,011,000
Highway Safety Account-State Appropriation ((~~\$1,067,000~~))
\$1,074,000
Ignition Interlock Device Revolving Account-State Appropriation \$510,000
Multimodal Transportation Account-State Appropriation \$276,000
TOTAL APPROPRIATION ~~\$500,667,000~~
\$510,801,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee

rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account-state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account-state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) ~~(\$510,000)~~ \$580,000 of the state patrol highway account-state

appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(25) ~~((of this act))~~, chapter 313, Laws of 2017.

(7) \$600,000 of the state patrol highway account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Senate Bill No. 5274)))~~ 181, Laws of 2017 (WSPRS salary definition). ~~((If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(8) \$100,000 of the state patrol highway account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections in government). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(9) \$4,354,000 of the state patrol highway account-state appropriation is provided solely for an additional cadet class, consisting of the 35th arming class and 111th trooper basic training class, in the 2017-2019 fiscal biennium.

Sec. 208. 2017 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account-State Appropriation\$34,000

Motorcycle Safety Education Account-State

Appropriation~~(\$4,523,000)~~

\$4,607,000

State Wildlife Account-State	Appropriation	.....	(\$1,030,000)	<u>\$888,000</u>
Highway Safety Account-State	Appropriation	.....	(\$202,973,000)	<u>\$254,301,000</u>
Highway Safety Account-Federal	Appropriation	.....	\$3,215,000	
Motor Vehicle Account-State	Appropriation	.....	(\$90,659,000)	<u>\$83,871,000</u>
Motor Vehicle Account-Federal	Appropriation	.....	\$329,000	
Motor Vehicle Account-Private/Local	Appropriation	.....	(\$2,048,000)	<u>\$5,224,000</u>
Ignition Interlock Device Revolving	Account-State	Appropriation	.....	(\$5,250,000)
				<u>\$5,261,000</u>
Department of Licensing Services	Account-State	Appropriation	.....	(\$6,611,000)
				<u>\$6,903,000</u>
License Plate Technology	Account-State	Appropriation	.....	\$3,000,000
Abandoned Recreational Vehicle	Account-State	Appropriation	.....	<u>\$172,000</u>
Driver Licensing Technology Support	Account-State	Appropriation	.....	<u>\$150,000</u>
TOTAL APPROPRIATION		.....	\$319,672,000	<u>\$367,955,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$205,000 of the highway safety account state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 (MVET collection). If chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~) \$315,000 of the motor vehicle account-private/local appropriation is provided solely for the

implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2018 (MVET collection) or chapter . . . (Engrossed Substitute Senate Bill No. 5955), Laws of 2018 (MVET collection). If neither chapter . . . (Engrossed House Bill No. 2201), Laws of 2018 or chapter . . . (Engrossed Substitute Senate Bill No. 5955), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(2) \$20,810,000 of the highway safety account-state appropriation and \$3,000,000 of the license plate technology account-state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(3) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(4) \$4,471,000 of the highway safety account-state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have

increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2016. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) (~~(\$350,000)~~) \$550,000 of the highway safety account-state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. At least thirty-five percent of this appropriation must be used by the department for outreach efforts to communities that would not otherwise be served by traditional media outlets.

(7) \$19,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter (~~(. . . (Substitute Senate Bill No. 5289))~~) 334, Laws of 2017 (distracted driving). (~~(If chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(8) \$57,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter (~~(. . . (House Bill No. 1400))~~) 11, Laws

of 2017 (aviation license plate). (~~(If chapter . . . (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(9) \$572,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Substitute House Bill No. 1481))~~) 197, Laws of 2017 (driver education uniformity). (~~(If chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(10) \$39,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter (~~(. . . (Substitute House Bill No. 1568))~~) 25, Laws of 2017 (Fred Hutch license plate). (~~(If chapter . . . (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(11) \$104,000 of the ignition interlock device revolving account-state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Second Substitute House Bill No. 1614))~~) 336, Laws of 2017 (impaired driving). (~~(If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(12) \$500,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Substitute House Bill No. 1808))~~) 206, Laws of 2017 (foster youth/driving). (~~(If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(13) \$61,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter (~~(. . . (Engrossed Senate Bill No. 5008))~~) 310, Laws of 2017 (REAL ID compliance). (~~(If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.)~~)

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers,

representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) ~~\$30,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ((. . . (Senate Bill No. 5382)) 122, Laws of 2017 (reduced-cost identicards). ((If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(16) ~~\$112,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ((. . . (Engrossed Substitute Senate Bill No. 5338)) 218, Laws of 2017 (registration enforcement). ((If chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(17) ~~\$30,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ((. . . (Substitute Senate Bill No. 5343)) 43, Laws of 2017 (tow truck notices). ((If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(18) \$230,000 of the highway safety account-state appropriation is provided solely for developing an application program interface service. This work must result in a mobile browser based application for use on tablet devices at licensing services offices.

(a) The application must be able to be used by licensing services offices staff for:

(i) Prescreening customers and directing them to the most efficient service line;

(ii) Performing any transaction within the department's online services;

(iii) Answering customer questions regarding license status and reinstatement; and

(iv) Providing a queue ticket to customers waiting for service inside and outside the office.

(b) Additionally, the application must be:

(i) Able to add a feature allowing customers to get in line via an online application and receive a mobile text message when their turn is approaching; and

(ii) Scalable to add other features to mobile devices to expedite customer service.

(19) Within amounts provided in this section, the department, in consultation with the county auditors, shall convene a work group to assess the current licensing services system and the establishment of a new licensing services partnership committee. The purpose of the licensing services partnership committee will be to provide a forum for communication between licensing partners regarding Washington's licensing services system.

(a) The work group must consist of, but is not limited to, a representative from the department, a county auditor, a county licensing manager, a subagent representative who is a small office manager, a subagent representative from eastern Washington, and a subagent representative from western Washington.

(b) The work group must consider, at a minimum, and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, enhancing electronic title and renewal options, the current financial environment for subagents and county auditors, and the establishment of the licensing service partnership committee.

(c) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by December 1, 2018. Recommendations must be made on the policy options listed in (b) of this subsection. Recommendations regarding the licensing services partnership committee must also include whether or not to implement a pilot

project for the committee, and if the pilot project is implemented, whether or not the pilot project should have a fixed term.

(20) \$27,796,000 of the highway safety account-state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report will include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times, including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the keep your customer initiative.

(21) \$45,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 (enhancing youth voter registration). If chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(22) \$43,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(23) \$70,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 (procedures in order to automatically register citizens to vote). If chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(24) \$26,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2612), Laws of 2018 (tow truck operators). If chapter . . . (Substitute House Bill No. 2612), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(25) \$17,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2653), Laws of 2018 (alternative fuel vehicle exemption) or chapter . . . (Senate Bill No. 6080), Laws of 2018 (electrification of transportation). If neither chapter . . . (House Bill No. 2653), Laws of 2018 or chapter . . . (Senate Bill No. 6080), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(26) \$20,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2975), Laws of 2018 (snow bikes). If chapter . . . (Substitute House Bill No. 2975), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(27) \$34,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 (concerning the association of Washington generals). If chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(28) \$27,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 (issuance of personalized collector vehicle license plates). If chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(29) \$25,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 (electric motorcycle registration renewal fees). If chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 is not enacted by June 30,

2018, the amount provided in this subsection lapses.

(30) \$150,000 of the driver licensing technology support account-state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 (suspended or revoked driver's license provisions). If chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(31) \$17,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 (bone marrow donation information). If chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(32) \$172,000 of the abandoned recreational vehicle disposal account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 (disposal of recreational vehicles abandoned on public property). If chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(33) \$13,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 (clarifying the collection process for existing vehicle service transactions). If chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(34) The department shall within the department's appropriations, conduct a study to evaluate options and potential methods for allowing digital license plates. The report must include information on the durability and legibility of digital license plates in different weather conditions, costs, data security, tolling and vehicle fees, protection of personal and vehicle information, and other implementation issues. This will include an evaluation of how the digital license plates can contain tamper-resistant and anti-theft features, but can continue to display the

unique license plate number assigned to the vehicle at all times. The department of licensing must consult with the Washington state patrol, the department of transportation, and other appropriate entities in conducting the study. The department of licensing must present a report to the standing transportation committees of the legislature by January 1, 2019.

(35) \$200,000 of the highway safety account-state appropriation is provided solely for the department to implement employee training and other activities related to improving the protection of private information and increasing racial and cultural awareness by employees in administering licensing responsibilities.

Sec. 209. 2017 c 313 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TOLL OPERATIONS AND MAINTENANCE-PROGRAM B

High Occupancy Toll Lanes Operations Account-State	Appropriation	(\$4,033,000)	
			\$4,462,000
Motor Vehicle Account-State	Appropriation	\$513,000	
State Route Number 520 Corridor Account-State	Appropriation	(\$52,671,000)	
			\$57,123,000
State Route Number 520 Civil Penalties Account-State	Appropriation	(\$4,328,000)	
			\$4,129,000
Tacoma Narrows Toll Bridge Account-State	Appropriation	(\$32,134,000)	
			\$33,618,000
Interstate 405 Express Toll Lanes Operations	Account-State	Appropriation	(\$22,194,000)
			\$21,757,000
Alaskan Way Viaduct Replacement Project Account-State			

Appropriation..... (~~(\$6,506,000)~~)
 \$13,938,000
 TOTAL APPROPRIATION..... ~~\$122,379,000~~
 \$135,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) (~~(\$4,328,000)~~) \$4,131,000 of the state route number 520 civil penalties account—state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly

reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account—state appropriation, \$11,527,000 of the state route number 520 corridor account—state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account—state appropriation, \$4,286,000 of the

Interstate 405 express toll lanes operations account-state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 (~~of this act~~), chapter 313, Laws of 2017.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account-state appropriation are provided through a transfer from the motor vehicle account-state in section 408(26) (~~of this act~~), chapter 313, Laws of 2017. These funds are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the

legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

(8) (~~(\$13,617,000)~~) \$13,179,000 of the Interstate 405 express toll lanes operations account-state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

(9) In 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2017-2019 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(10) \$5,583,000 of the Alaskan Way viaduct replacement project account-state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected proportional share of collecting toll revenues, operating customer services, and maintaining toll collection systems for the last seven months of the biennium. Due to the uncertainty of the new state route number 99 tunnel toll facility timeline, the legislature is holding the other tolled facilities' administrative cost shares constant for this biennium. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the

new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(11) \$1,849,000 of the Alaskan Way viaduct replacement project account-state appropriation is provided solely for the costs associated with the sale of transponders for the opening of the new state route number 99 tunnel toll facility in Seattle. The office of financial management shall place \$510,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department if it determines the transponder inventory will otherwise not be sufficient for facility ramp up.

Sec. 210. 2017 c 313 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-
INFORMATION TECHNOLOGY-PROGRAM C**

Transportation Partnership Account-State Appropriation	\$1,460,000
Motor Vehicle Account-State Appropriation	(\$83,572,000)
	\$87,865,000
Puget Sound Ferry Operations Account-State Appropriation	\$263,000
Multimodal Transportation Account-State Appropriation	(\$2,876,000)
	\$2,878,000
Transportation 2003 Account (Nickel Account)-State Appropriation	\$1,460,000
TOTAL APPROPRIATION	\$89,631,000
	\$93,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account-state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 (~~of this~~)

act)), chapter 313, Laws of 2017. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account-state appropriation is provided solely for the development of ferries network systems support.

(3) \$365,000 of the motor vehicle account-state appropriation is provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

Sec. 211. 2017 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION-PROGRAM D-OPERATING

Motor Vehicle	Account-State	
Appropriation	((\$28,146,000))	
		\$29,368,000
State Route Number 520 Corridor	Account-State	
Appropriation		\$34,000
TOTAL APPROPRIATION.....		\$28,180,000
		\$29,402,000

Sec. 212. 2017 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-AVIATION-PROGRAM F

Aeronautics	Account-State	
Appropriation	((\$6,749,000))	
		\$7,326,000
Aeronautics	Account-Federal	
Appropriation	((\$4,900,000))	
		\$6,855,000
Aeronautics	Account-Private/Local	
Appropriation		\$171,000
<u>Public Use General Aviation Airport Loan Revolving</u>		
<u>Account-State Appropriation...\$35,000</u>		
TOTAL APPROPRIATION.....		\$11,820,000
		\$14,387,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,637,000)~~ (1) \$3,122,000 of the aeronautics account-state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

(2) The entire public use general aviation airport loan revolving account-state appropriation is provided solely for the department to support and implement the public use general aviation airport loan program prior to the creation of the community aviation revitalization board.

(3) \$35,000 of the aeronautics account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 (electric aircraft). If chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) Within amounts appropriated in this section, the department shall convene an electric aircraft work group to analyze the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The work group must include, but is not limited to, representation from

the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The work group must consider, at a minimum, and make recommendations on the feasibility of electric or hybrid-electric flight given: Federal certification requirements; current and anticipated advancements to battery technology; infrastructure requirements and capacity impacts at primary airports; the need for and feasibility of industry incentives; the potential for public-private partnerships; impacts to revenues generated from aviation fuel sales; educational requirements for maintaining electric or hybrid-electric powered aircraft; homeland security checkpoint requirements; public acceptance of the technology; a cost comparison of fossil fuel and electric or hybrid-electric aircraft engines; emission reduction potential; and policy changes needed to facilitate electric or hybrid-electric powered aircraft use for commercial air travel in Washington state.

(c) The work group must report its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account-state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and

Sec. 213. 2017 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PROGRAM DELIVERY MANAGEMENT AND SUPPORT-PROGRAM H

Motor Vehicle Account-State Appropriation	(\$54,512,000)
	\$56,408,000
Motor Vehicle Account-Federal Appropriation	\$500,000
Multimodal Transportation Account-State Appropriation	(\$252,000)
	\$256,000
TOTAL APPROPRIATION.....	\$55,264,000
	\$57,164,000

adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

Sec. 214. 2017 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account-State Appropriation	(\$622,000)
	<u>\$639,000</u>
Electric Vehicle Charging Infrastructure Account-State Appropriation	\$1,000,000
Multimodal Transportation Account-State Appropriation.....	(\$535,000)
	<u>\$610,000</u>
TOTAL APPROPRIATION.....	<u>\$2,157,000</u>
	<u>\$2,249,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account-state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued

in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account-state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account-state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped;

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;

(iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter 19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;

(iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(5) \$75,000 of the multimodal transportation account-state appropriation is provided solely for the department to contract with the Puget Sound Clean Air Agency to conduct a study that identifies and evaluates opportunities to facilitate low-income utilization of electric vehicles. The study must include, but is not limited to, development and evaluation of an electric vehicle car-sharing program for low-income housing sites that is designed to maximize the use of electric vehicles by residents of these sites, and that must consider any infrastructure needs that will need to be met to support the use of electric vehicles at these sites. The department must provide a report detailing the findings of this study to the transportation committees of the legislature by December 1, 2018.

Sec. 215. 2017 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-HIGHWAY MAINTENANCE-PROGRAM M

Motor Vehicle Account-State
Appropriation (~~(\$434,781,000)~~)
\$451,660,000

Motor Vehicle Account-Federal
Appropriation \$7,000,000

State Route Number 520 Corridor
Account-State
Appropriation \$4,447,000

Tacoma Narrows Toll Bridge Account-State
Appropriation \$1,233,000

Alaskan Way Viaduct Replacement Project

<u>Account-State</u>	<u>Appropriation</u>
.....	\$2,982,000
TOTAL APPROPRIATION	\$447,461,000
	\$467,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$7,092,000)~~) \$8,000,000 of the motor vehicle account-state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account-state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account-state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account-state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) (~~(\$250,000)~~) \$631,000 of the motor vehicle account-state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium. \$381,000 of the amount provided in this subsection is provided solely for one-time equipment procurement needed to implement this subsection.

Sec. 216. 2017 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle	Account—State
Appropriation	(\$62,578,000)
	<u>\$65,743,000</u>
Motor Vehicle	Account—Federal
Appropriation	\$2,050,000
Motor Vehicle	Account—Private/Local
Appropriation	\$250,000
TOTAL APPROPRIATION.....	\$64,878,000
	<u>\$68,043,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account-state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account-state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5) (a) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the

vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: ~~((a))~~ (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; ~~((b))~~ (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; ~~((c))~~ (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and ~~((d))~~ (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection (5) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for high occupancy toll lanes.

Sec. 217. 2017 c 313 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle	Account—State	
Appropriation	(\$32,794,000)	
		\$34,198,000
Motor Vehicle	Account—Federal	
Appropriation	\$1,656,000	
Multimodal Transportation	Account—State	
Appropriation	(\$1,128,000)	
		\$1,129,000
TOTAL APPROPRIATION.....	\$35,578,000	
		\$36,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

(3) From the revenues generated by the five dollar per studded tire fee under

RCW 46.37.427, \$150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Spokane county. The reason for the geographic selection of Spokane county for the pilot is based on the high utilization of studded tires in this jurisdiction. The public information campaign must primarily focus on making the consumer aware of the road deterioration, financial impact for taxpayers, the safety implications for other drivers, and, secondarily, the alternatives to studded tires. The pilot must begin by September 1, 2018. By January 14, 2019, the department shall provide the transportation committees of the legislature an update on the pilot public information program. It is the intent of the legislature that the public information campaign will be a two-year pilot program with a report to the legislature upon completion of the pilot program.

Sec. 218. 2017 c 313 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

Motor Vehicle	Account—State	
Appropriation	(\$23,117,000)	
		\$28,073,000
Motor Vehicle	Account—Federal	
Appropriation	(\$35,182,000)	
		\$39,782,000
Motor Vehicle	Account—Local	
Appropriation.....		\$100,000
Multimodal Transportation	Account—State	
Appropriation	\$711,000	
Multimodal Transportation	Account—Federal	
Appropriation	\$2,809,000	
Multimodal Transportation	Account—Private/Local	
Appropriation	\$100,000	
TOTAL APPROPRIATION.....	\$61,919,000	
		\$71,575,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account-state appropriation and \$250,000 of the motor vehicle account-federal appropriation are provided solely for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

(3) \$181,000 of the motor vehicle account-state appropriation is provided solely for the department, in coordination with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from bridge expansion joints. The study must examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature by October 15, 2018.

(4) \$200,000 of the motor vehicle account-state appropriation is provided solely for implementation of a practical solutions study for the state route number 162 and state route number 410 interchange, based on the recommendations of the SR-162 Study/Design project (L2000107). The study must include short, medium, and long-term phase recommendations and must be submitted to the transportation committees of the legislature by January 1, 2019.

(5) \$500,000 of the motor vehicle account-state appropriation is provided solely for implementation of a state route number 518 corridor study to be conducted in partnership with the Port of Seattle, Sound Transit and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor including evaluation of solutions to the rapid growth of traffic in the corridor and how that growth impacts access to the Seattle-Tacoma international airport and the surrounding communities. The study must be submitted to the transportation committees of the legislature by June 30, 2019.

(6) \$500,000 of the motor vehicle account-state appropriation and \$50,000 of the motor vehicle account-local appropriation are provided solely for implementation of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(7) Among the options studied as part of the SR 410 Corridor Study, the

department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

(8) Within existing resources, the department shall meet with local stakeholders in south Pierce county and North Thurston county to discuss potential solutions to traffic congestion; emergency management concerns regarding routes away from natural disasters and around incidents similar to the train derailment that occurred on December 18, 2017; and what state transportation investments would benefit the economic development of the area. The department shall provide regular updates on its progress to the joint transportation committee.

Sec. 219. 2017 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Account-State Appropriation	(\$69,997,000)	\$75,058,000
Multimodal Transportation Account-State Appropriation	(\$1,285,000)	\$1,982,000
TOTAL APPROPRIATION.....	\$71,282,000	\$77,040,000

Sec. 220. 2017 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account-State Appropriation	(\$754,000)	\$784,000
Regional Mobility Grant Program Account-State Appropriation	(\$93,920,000)	\$101,786,000
Rural Mobility Grant Program Account-State Appropriation	\$32,223,000	

Multimodal Transportation Account-State Appropriation	(\$92,437,000)	\$98,381,000
Multimodal Transportation Account-Federal Appropriation	\$3,574,000	
TOTAL APPROPRIATION.....	\$222,908,000	\$236,748,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account-state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account-state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account-state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account-state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account-state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3) (a) (~~(\$10,290,000)~~) \$10,702,000 of the multimodal transportation account-state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$16,241,000)~~) \$24,107,000 of the regional mobility grant program account-state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Public Transportation Program (V). Of the amounts provided in this subsection, \$757,000 of the regional mobility grant program account-state appropriation is reappropriated for the Kitsap Transit, SR 305 Interchange Improvements at Suquamish Way Park and Ride (Project 20130101).

(5) (a) \$77,679,000 of the regional mobility grant program account-state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether

the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) (~~(\$5,920,000)~~) \$7,170,000 of the multimodal transportation account-state appropriation and (~~(\$754,000)~~) \$784,000 of the state vehicle parking account-state appropriation are provided solely for CTR grants and activities. Of this amount (~~(7-250,000)~~):

(a) \$500,000 of the multimodal transportation account-state

appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, state route number 167, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(b) \$1,000,000 of the multimodal transportation account-state appropriation is provided solely for the department to direct a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall report to the transportation committees of the legislature on the impact of the program by June 30, 2019, and may adopt rules to administer the program; and

(c) \$30,000 of the state vehicle parking account-state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County.

(8) (~~\$17,590,000~~) \$20,891,000 of the multimodal transportation account-state appropriation is provided solely for connecting Washington transit projects

identified in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account-state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account-state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium

to advance one or more of the following projects:

\$518,818,000

- (i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);
- (ii) King County Metro - Route 40 Northgate to Downtown (G2000032);
- (iii) Spokane Transit - Spokane Central City Line (G2000034);
- (iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or
- (v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(13) \$300,000 of the multimodal transportation account-state appropriation is provided solely for Pierce Transit to procure and install digital transit information technology at various transit centers, in order to provide transit riders with real-time arrival and departure information.

(14) \$750,000 of the multimodal transportation account-state appropriation is provided solely for the Intercity Transit Dash shuttle program.

Sec. 221. 2017 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-MARINE-PROGRAM X

Puget Sound Ferry Operations Account-State	
Appropriation	(\$496,307,000)
	\$509,954,000
Puget Sound Ferry Operations Account-Federal	
Appropriation	\$8,743,000
Puget Sound Ferry Operations Account-Private/Local	
Appropriation	\$121,000
TOTAL APPROPRIATION.....	\$505,171,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) (~~(\$69,049,000)~~) \$71,004,000 of the Puget Sound ferry operations account-state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 (~~(of this act)~~) chapter 313, Laws of 2017. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account-state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account-state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(6) \$25,000 of the Puget Sound ferry operations account-state appropriation is provided solely for additional hours of traffic control assistance by a uniformed officer at the Fauntleroy ferry terminal.

(7) \$75,000 of the Puget Sound ferry operations account-state appropriation is provided solely for the department to contract with the University of Washington to conduct an analysis of loading procedures at the Fauntleroy ferry terminal. The department must share the results of the analysis with the governor's office and the transportation committees of the legislature by December 31, 2018.

Sec. 222. 2017 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y-OPERATING

Multimodal Transportation Account-State	
Appropriation	(\$80,146,000)
	\$81,013,000
Multimodal Transportation Account-Private/Local	
Appropriation	(\$46,000)
	\$496,000
TOTAL APPROPRIATION.....	\$80,192,000
	\$81,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account-state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

~~((1))~~ (a) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

~~((2))~~ (b) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California; and

~~((3))~~ (c) An analysis of the following key elements:

~~((a))~~ (i) Economic feasibility;

~~((b))~~ (ii) Forecasted demand;

~~((c))~~ (iii) Corridor identification;

~~((d))~~ (iv) Land use and economic development and environmental implications;

~~((e))~~ (v) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

~~((f))~~ (vi) Technological options for ultra high-speed ground transportation, both foreign and domestic;

~~((g))~~ (vii) Required specifications for speed, safety, access, and frequency;

~~((h))~~ (viii) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

~~((i))~~ (ix) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

~~((j))~~ (x) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

(2) (a) \$450,000 of the multimodal transportation account-private/local appropriation and \$750,000 of the

multimodal transportation account-state appropriation is provided solely for a consultant business case analysis of ultra high-speed ground transportation. The business case analysis must build on the results of the 2017 Washington state ultra high-speed ground transportation feasibility study.

(b) The business case analysis must include an advisory group with members as provided in this subsection. The president of the senate shall appoint one member from each of the two largest caucuses of the senate; the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; the governor or his or her designee; the secretary of transportation or his or her designee; the director of the department of commerce or his or her designee; the rail director of the department of transportation or his or her designee; and representatives from communities and stakeholders from public and private sectors relevant to the analysis, including from the province of British Columbia and the state of Oregon.

(c) The department shall provide a report of its findings to the governor and transportation committees of the legislature by June 30, 2019.

Sec. 223. 2017 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-LOCAL PROGRAMS-PROGRAM Z-OPERATING

Motor Vehicle Account-State	
Appropriation	(\$10,644,000)
	\$11,347,000
Motor Vehicle Account-Federal	
Appropriation	\$2,567,000
Multiuse Roadway Safety Account-State	
Appropriation	\$132,000
TOTAL APPROPRIATION.....	\$13,343,000
	\$14,046,000

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account-state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the

Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES-CAPITAL

Sec. 301. 2017 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account-State	
Appropriation	(\$22,462,000)
	\$22,507,000
Highway Safety Account-State	
Appropriation	(\$1,900,000)
	\$2,000,000
Motor Vehicle Account-Federal	
Appropriation	\$3,250,000
Freight Mobility Multimodal Account-State	
Appropriation	(\$21,843,000)
	\$22,283,000
Freight Mobility Multimodal Account-Private/Local	
Appropriation	\$1,320,000
TOTAL APPROPRIATION.....	\$50,775,000
	\$51,360,000

Sec. 302. 2017 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account-State	
Appropriation	(\$3,103,000)
	\$4,503,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) \$728,000 for roof replacements;
- (3) (~~(\$2,000,000 for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system;~~ and ~~(4)~~) \$125,000 for the Whiskey Ridge generator shelter;
- (4) \$200,000 for replacement of the HVAC system at the state patrol academy in Shelton;
- (5) \$700,000 for repair of the training tank at the state patrol academy in Shelton; and
- (6) \$2,500,000 for the replacement of the skid pan at the state patrol academy in Shelton.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

Sec. 303. 2017 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account-State Appropriation	(\$58,186,000)	
		<u>\$63,186,000</u>
Motor Vehicle Account-State Appropriation	\$706,000	
County Arterial Preservation Account-State Appropriation	(\$35,434,000)	
		<u>\$38,434,000</u>
TOTAL APPROPRIATION.....	<u>\$94,326,000</u>	
		<u>\$102,326,000</u>

Sec. 304. 2017 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account-State Appropriation	\$5,780,000	
Transportation Improvement Account-State Appropriation	(\$240,300,000)	
		<u>\$279,300,000</u>
Multimodal Transportation Account-State Appropriation	\$14,670,000	
TOTAL APPROPRIATION.....	<u>\$260,750,000</u>	
		<u>\$299,750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire multimodal transportation account-state appropriation is provided solely for the complete streets program.
- (2) \$9,687,000 of the transportation improvement account-state appropriation is provided solely for:
 - (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;
 - (b) The small city pavement program to help cities meet urgent preservation needs; and
 - (c) The small city low-energy street light retrofit program.

Sec. 305. 2017 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITIES-PROGRAM D-(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)-CAPITAL

Motor Vehicle Account-State Appropriation	(\$6,087,000)	
		<u>\$10,070,000</u>
Connecting Washington Account-State Appropriation	(\$24,257,000)	
		<u>\$26,537,000</u>

Transportation Partnership Account—State \$253,410,000
Appropriation \$17,000
TOTAL APPROPRIATION..... ~~\$30,344,000~~
\$36,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$16,170,000)~~) \$17,237,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) (~~(\$8,087,000)~~) \$9,300,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

(3) (a) \$3,400,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology and department of licensing signing a not less than twenty-year agreement to pay proportional shares of an annual amount equal to any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of licensing and department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

Sec. 306. 2017 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State
Appropriation (~~(\$570,992,000)~~)
\$689,745,000

Motor Vehicle Account—State
Appropriation (~~(\$47,406,000)~~)
\$72,967,000

Motor Vehicle Account—Federal
Appropriation (~~(\$216,647,000)~~)

Motor Vehicle Account—Private/Local
Appropriation (~~(\$24,209,000)~~)
\$49,330,000

Connecting Washington Account—State
Appropriation (~~(\$1,159,822,000)~~)
\$1,215,013,000

Special Category C Account—State
Appropriation (~~(\$6,146,000)~~)
\$11,000,000

Multimodal Transportation Account—State
Appropriation (~~(\$15,162,000)~~)
\$16,299,000

Alaskan Way Viaduct Replacement Project Account—State
Appropriation (~~(\$122,046,000)~~)
\$122,047,000

Transportation 2003 Account (Nickel Account)—State
Appropriation (~~(\$51,115,000)~~)
\$52,457,000

Interstate 405 Express Toll Lanes Operations Account—State
Appropriation (~~(\$12,000,000)~~)
\$6,258,000

TOTAL APPROPRIATION.... ~~\$2,225,545,000~~
\$2,488,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation

2003 account (nickel account)-state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account-state appropriation and motor vehicle account-federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account-state appropriation and motor vehicle account-federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ((2017)) funds transferred in the prior fiscal year using this subsection as part of the department's ((2018)) annual budget submittal.

(5) The connecting Washington account-state appropriation includes up to ((~~\$360,433,000~~)) \$323,175,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)-state appropriation includes up to ((~~\$51,115,000~~)) \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account-state appropriation includes up to ((~~\$325,748,000~~)) \$367,622,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. ((Of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.))

(8) The Alaskan Way viaduct replacement project account-state appropriation includes up to \$122,047,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(9) The motor vehicle account-state appropriation includes up to \$43,448,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

((~~\$159,407,000~~)) (10) \$194,258,000 of the transportation partnership account-state appropriation, \$7,000 of the motor vehicle account-federal appropriation, ((~~\$8,000,000~~)) \$27,903,000 of the motor vehicle account-private/local appropriation, ((~~\$29,100,000~~)) \$30,097,000 of the transportation 2003 account (nickel account)-state appropriation, ((~~\$122,046,000~~)) \$122,047,000 of the Alaskan Way viaduct replacement project account-state appropriation, and ((~~\$2,662,000~~)) \$2,663,000 of the multimodal transportation account-state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

((~~\$9~~)) (11) \$12,500,000 of the multimodal transportation account-state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

((~~\$10~~)) (12) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

((~~\$11~~)) ((~~\$5,804,000~~)) (13) \$7,769,000 of the transportation partnership account-state appropriation, ((~~\$5,162,000~~)) \$6,744,000 of the transportation 2003 account (nickel account)-state appropriation, \$215,000 of the motor vehicle account-federal appropriation, and ((~~\$146,000~~)) \$5,000,000 of the special category C account-state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made

available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

~~((112) \$26,601,000))~~ (14) \$27,415,000 of the transportation partnership account-state appropriation and ~~((110,956,000))~~ \$13,158,000 of the transportation 2003 account (nickel account)-state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

~~((113) \$1,500,000))~~ (15) \$4,960,000 of the transportation partnership account-state appropriation ~~((114))~~ and \$3,000,000 of the Interstate 405 express toll lanes operations account-state appropriation are provided solely for ~~((preliminary engineering))~~ the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. The transportation partnership account-state appropriation funding is a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

~~((114))~~ (16)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) ~~((114,311,000))~~ \$78,958,000 of the transportation partnership account-state appropriation ~~((115))~~, \$12,296,000 of the motor vehicle account-federal appropriation, and \$232,000 of the motor vehicle account-local appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

~~((115))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's ~~((2018))~~ annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((116))~~ (18) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

~~((118))~~ (19) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((119) \$93,500,000))~~ (20) \$93,651,000 of the connecting Washington account-state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

~~((120))~~ (21)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department

shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of the requirements outlined in this subsection (~~((20))~~) (21) (b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any benefits to be gained by moving the project schedule forward. (~~Additionally, the department must consider completing~~) It is the legislature's intent that if the department identifies any savings after the funding gap on the base project is closed as part of the proposal to expedite the project, that these cost savings shall go toward construction of a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the funding gap on the base project is closed, the funds must be applied toward the completion of these two full single-point urban interchanges.

(d) For the SR 167/SR 509 Puget Sound Gateway project (M00600R) the department is strongly encouraged to work to relocate any significant businesses

currently located within the planned path of the state route number 509/Interstate 5 under-crossing to a location within the Kent city limits. The department shall provide regular updates on its progress to the joint transportation committee and affected stakeholders.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

~~((21))~~ (22) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((22) \$600,000)~~ (23) (a) \$2,000,000 of the transportation partnership account-state appropriation and \$942,000 of the motor vehicle account-state appropriation are provided solely for the U.S. 2 Trestle IJR project (L1000158).

(b) Of the amounts provided in this subsection, \$942,000 of the motor vehicle account-state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (~~(L1000158)~~), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

~~((23))~~ (24) (a) The legislature recognizes that the city of Mercer Island has unique access issues that require the

use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

~~((24) \$2,000,000))~~ (25) \$3,258,000 of the Interstate 405 express toll lanes operations account-state appropriation is provided solely for the I-405 NB Hard Shoulder Running - SR 527 to I-5 project (L1000163).

~~((25))~~ (26) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail

posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((26))~~ (27) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

~~((27) It is the intent of the legislature that for the I-5/Slater Road Interchange Improvements project (L1000099), \$2,000,000 of connecting Washington account-state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account-state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly.))~~

(28) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);

(ii) I-5/Marvin Road/SR 510 Interchange (L1100110);

(iii) I-5/Northbound On-ramp at Bakerview (L2000119);

(iv) US 395/Ridgeline Intersection (L2000127);

(v) I-90/Eastside Restripe Shoulders (L2000201);

(vi) SR 240/Richland Corridor Improvements (L2000202);

(vii) SR 14/Bingen Overpass (L2220062);

(viii) US Hwy 2 Safety (N00200R);

(ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);

(x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);

(xi) I-5/Rebuild Chamber((#)) Way Interchange Improvements (L2000223);

(xii) SR 28 East Wenatchee Corridor Improvements (T10300R);

(xiii) (~~SR 3/Belfair Bypass New Alignment~~) SR 3 Freight Corridor (T30400R); or

(xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

(30) (~~Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.~~) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system.

To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its direction to the department to lead the way in advancing the reuse and recycling of construction aggregate and recycled

concrete materials whenever readily available, to use these recycled products when cost competitive, and to work with industry implementation partners to remove obstacles that unnecessarily preclude or inhibit their use and implement strategies for the reuse and recycling of construction aggregate and recycled concrete materials.

Specific steps and efforts made to achieve these objectives and accomplishments shall be included in the annual report to the legislature as required by RCW 70.95.807.

(31) Within existing resources, the department shall implement a safety solution after evaluating barrier and mitigation options on state route number 167 between the intersections with 50th Ave E and E 40th Street in Pierce county to prevent vehicles from leaving the roadway and entering private property below the grade of the highway.

(32) \$350,000 of the motor vehicle account-state appropriation is provided solely for implementation of chapter 288 (Substitute Senate Bill No. 5806), Laws of 2017 (I-5 Columbia river bridge), listed as Replacement Bridge on Interstate 5 across the Columbia River project number (L2000259).

(33) For the SR 520 Seattle Corridor Improvements - West End project (M00400R), the legislature recognizes the department must acquire the entirety of parcel number 1-23190 for construction of the project. The department shall work with its design-build contractor to ensure to the maximum extent practicable that the building housing any grocery store or market currently located on parcel number 1-23190 will be preserved. The legislature recognizes the city of Seattle has requirements in the project area that the department must address and that those requirements may affect the use of parcel number 1-23190 and may affect the ability of the department to preserve any grocery store or market currently located on the property. The department shall meet and confer regularly with residents in the vicinity of the parcel regarding the status of the project and its effects on any grocery store or market currently located on the property. The legislature strongly encourages the city to utilize maximum flexibility in how the department meets the city's requirements and to be an equal partner in efforts to preserve any

grocery store or market on parcel number 1-23190.

Sec. 307. 2017 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PRESERVATION-PROGRAM P

Recreational Vehicle Account-State Appropriation (~~(\$2,480,000)~~)
\$3,584,000

High-Occupancy Toll Lanes Operations Account-State

Appropriation..... \$161,000

Transportation Partnership Account-State

Appropriation (~~(\$204,000)~~)
\$12,785,000

Motor Vehicle Account-State Appropriation (~~(\$49,192,000)~~)
\$63,246,000

Motor Vehicle Account-Federal Appropriation (~~(\$515,368,000)~~)
\$579,624,000

Motor Vehicle Account-Private/Local Appropriation (~~(\$10,400,000)~~)
\$11,739,000

State Route Number 520 Corridor Account-State
Appropriation (~~(\$498,000)~~)
\$1,747,000

Connecting Washington Account-State Appropriation (~~(\$185,030,000)~~)
\$204,242,000

Tacoma Narrows Toll Bridge Account-State Appropriation (~~(\$384,000)~~)
\$856,000

Transportation 2003 Account (Nickel Account)-State
Appropriation (~~(\$58,894,000)~~)
\$57,849,000

TOTAL APPROPRIATION..... ~~\$822,450,000~~
\$935,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account-state appropriation and the entire transportation partnership account-state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2017-1)~~) 2018-1 as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)-state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document (~~(2017-1)~~) 2018-1 as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account-state appropriation and motor vehicle account-federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2017-2)~~) 2018-2 ALL PROJECTS as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account-state appropriation and motor vehicle account-federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year (~~(2017)~~) funds transferred in the prior fiscal year using this subsection as part of the department's (~~(2018)~~) annual budget submittal.

(5) The transportation 2003 account (nickel account)-state appropriation includes up to (~~(\$13,395,000)~~) \$29,553,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) The motor vehicle account-state appropriation includes up to \$29,985,000

in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((7,200,000))~~ (7) \$11,553,000 of the connecting Washington account-state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ~~((of this act))~~, chapter 313, Laws of 2017. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

~~((7))~~ (8) \$3,000,000 of the motor vehicle account-state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

~~((8) \$22,620,000))~~ (9) \$20,755,000 of the motor vehicle account-federal appropriation and ~~((663,000))~~ \$844,000 of the motor vehicle account-state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to

expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its ~~((2018))~~ annual agency budget request.

~~((9))~~ (10) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

~~((10))~~ (11) (a) ~~((4,820,000))~~ \$9,014,000 of the motor vehicle account-federal appropriation and ~~((182,000))~~ \$217,000 of the motor vehicle account-state appropriation are provided solely for weigh station preservation (OBP3006). These amounts must be held in unallotted status, except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

~~((11))~~ (12) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

~~((12))~~ (13) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

~~((13))~~ (14) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use

throughout the state in new pavement construction.

((14)) (15) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(16) Within the connecting Washington account-state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 308. 2017 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q-CAPITAL

Motor Vehicle Account-State Appropriation ((\$4,913,000))
\$6,636,000

Motor Vehicle Account-Federal Appropriation ((\$5,106,000))
\$5,566,000

Motor Vehicle Account-Private/Local Appropriation ((\$500,000))
\$649,000

TOTAL APPROPRIATION..... \$10,519,000
\$12,851,000

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account-state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2017 c 313 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-WASHINGTON STATE FERRIES CONSTRUCTION-PROGRAM W

Puget Sound Capital Construction Account-State Appropriation ((\$59,924,000))
\$72,024,000

Puget Sound Capital Construction Account-Federal Appropriation ((\$152,838,000))
\$205,032,000

Puget Sound Capital Construction Account-Private/Local Appropriation ((\$15,654,000))
\$27,196,000

Transportation Partnership Account-State Appropriation \$2,923,000

Connecting Washington Account-State Appropriation ((\$142,837,000))
\$136,918,000

Multimodal Transportation Account-State Appropriation..... \$2,734,000

Transportation 2003 Account (Nickel Account)-State Appropriation \$4,169,000

TOTAL APPROPRIATION..... \$374,176,000
\$450,996,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for

the projects and activities as listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) (~~(\$26,252,000)~~) \$27,825,000 of the Puget Sound capital construction account-federal appropriation ((and ~~\$63,804,000~~)), \$44,485,000 of the connecting Washington account-state appropriation, and \$1,483,000 of the Puget Sound capital construction account-state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction. Of the amounts provided in this subsection, \$750,000 of the Puget Sound capital construction account-state appropriation is provided solely for additional photovoltaic panels for this project.

(3) (~~(\$61,729,000)~~) \$94,671,000 of the Puget Sound capital construction account-federal appropriation, (~~(\$36,529,000)~~) \$46,919,000 of the connecting Washington account-state appropriation, ((and ~~\$15,554,000~~)) \$26,949,000 of the Puget Sound capital construction account-private/local appropriation, \$2,734,000 of the multimodal transportation account-state appropriation, \$511,000 of the Puget Sound capital construction account-state appropriation, and \$679,000 of the transportation 2003 (nickel account)-state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account-state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) (~~(\$775,000)~~) \$950,000 of the Puget Sound capital construction account-state

appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) (a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by January 1, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

(i) Identify changes in the demographics of users of the system;

(ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;

(iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;

(iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:

(A) Anticipated crewing requirements;

(B) Fuel type;

(C) Other operating and maintenance costs;

(v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;

(vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;

(vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;

(viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and

(ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

(c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

(7) \$600,000 of the Puget Sound capital construction account-state appropriation is provided solely for development of a request for proposal to convert the three ferry vessels in the Jumbo Mark II class to hybrid electric propulsion and make associated necessary modifications to the Seattle, Bainbridge, Edmonds, and Kingston terminals. The department is directed to explore capital project financing options to include, but not be limited to, federal funding opportunities, private or local contributions, application for Volkswagen settlement funds, and energy-savings performance contracting to be repaid in whole or in part by fuel-cost savings. The department will report total capital cost estimates, optimal construction schedule, annual capital and operating savings or costs, and a recommended funding option to the governor and to the transportation committees of the legislature by June 30, 2019.

Sec. 310. 2017 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y-CAPITAL

Essential Rail Assistance Account-State Appropriation (~~(\$424,000)~~)
\$845,000

Transportation Infrastructure Account-State

Appropriation (~~(\$5,367,000)~~)
\$7,575,000

Multimodal Transportation Account-State

Appropriation (~~(\$51,665,000)~~)
\$79,357,000

Multimodal Transportation Account-Federal

Appropriation (~~(\$1,487,000)~~)
\$59,814,000

TOTAL APPROPRIATION ~~(\$58,943,000)~~
\$147,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018, Program - Rail Program (Y).

(2) (~~(\$5,000,000)~~) \$7,009,000 of the transportation infrastructure account-state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account-state appropriation and \$24,000 of the essential rail assistance account-state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account-state appropriation and \$1,100,000 of the multimodal transportation account-state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction

and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5) (a) (~~(\$400,000)~~) \$686,000 of the essential rail assistance account—state appropriation (~~(and \$305,000)~~), \$422,000 of the multimodal transportation account—state appropriation, and \$21,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property (~~(pursuant to RCW 47.76.290)~~) relating to the Palouse river and Coulee City railroad; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington

transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

Sec. 311. 2017 c 313 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation	(\$293,000)	<u>\$1,083,000</u>
Highway Infrastructure Account—Federal Appropriation	(\$218,000)	<u>\$488,000</u>
Transportation Partnership Account—State Appropriation	(\$1,143,000)	<u>\$2,321,000</u>
Highway Safety Account—State Appropriation	(\$2,388,000)	<u>\$4,287,000</u>

Motor Vehicle Account-State	Appropriation	.....	(\$15,080,000)
			<u>\$28,659,000</u>
Motor Vehicle Account-Federal	Appropriation	.....	(\$65,187,000)
			<u>\$71,614,000</u>
Motor Vehicle Account-Private/Local	Appropriation	.....	\$18,000,000
Connecting Washington Account-State	Appropriation	.....	(\$118,293,000)
			<u>\$137,387,000</u>
Multimodal Transportation Account-State	Appropriation	.....	(\$56,079,000)
			<u>\$82,382,000</u>
TOTAL APPROPRIATION.....			\$276,681,000
			<u>\$346,221,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account-state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ~~(\$6,432,000)~~ \$14,219,000 of the multimodal transportation account-state appropriation and ~~(\$1,143,000)~~ \$1,846,000 of the transportation partnership account-state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account-federal appropriation and \$7,750,000 of the multimodal transportation account-state appropriation are provided solely for newly selected safe routes to school projects. ~~(\$6,372,000)~~ \$11,181,000 of

the motor vehicle account-federal appropriation, ~~(\$923,000)~~ \$1,394,000 of the multimodal transportation account-state appropriation, and ~~(\$2,388,000)~~ \$4,287,000 of the highway safety account-state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ~~(\$19,741,000)~~ \$32,984,000 of the multimodal transportation account-state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account-federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest

extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account-state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);

(vii) Harbour Reach Extension (L2000136);

(viii) Sammamish Bridge Corridor (L2000137);

(ix) Brady Road (L2000164);

(x) Thornton Road Overpass (L2000228);

(xi) I-5/Port of Tacoma Road Interchange (L1000087);

(xii) Wilburton Reconnection Project (G2000006);

(xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);

(xiv) Bay Street Pedestrian Project (G2000015); or

(xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

~~((9) \$1,500,000 of the motor vehicle account-state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project.~~

~~((10) \$280,000 of the motor vehicle account-state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.)~~

Sec. 312. 2017 c 313 s 312 (uncodified) is amended to read as follows:

ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its annual budget submittal (~~for the 2018 supplemental budget~~), the department of transportation shall provide an update to the report provided to the legislature in ~~((2017))~~ the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a

functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its annual budget submittal (~~for the 2018 supplemental budget~~), the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

(3) Working in concert with the office of financial management and local governments, the department will work to identify local agency concerns regarding services provided by the department to local governments for which a fee is charged. The department will provide a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on the identified services and associated fee(s). The report must include, but is not limited to, a description of the identified project services provided to local agencies, estimates of the associated charges for the service, and an accounting of expenditures charged to local agencies associated with the identified services during the previous two fiscal years.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2017 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State
 Appropriation..... ((\$2,239,000))
 \$4,646,000
 Motor Vehicle Account—State
 Appropriation \$736,000

Connecting Washington Account—State
 Appropriation..... ((\$1,802,000))
 \$3,199,000
 Highway Bond Retirement Account—State
 Appropriation..... ((\$1,238,072,000))
 \$1,229,874,000
 Ferry Bond Retirement Account—State
 Appropriation..... \$28,873,000
 Transportation Improvement Board Bond Retirement
 Account—State
 Appropriation..... \$13,254,000
 Nondebt-Limit Reimbursable Bond Retirement
 Account—State
 Appropriation..... ((\$26,609,000))
 \$26,391,000
 Toll Facility Bond Retirement Account—State
 Appropriation..... \$86,493,000
 Transportation 2003 Account (Nickel Account)—State
 Appropriation..... ((\$323,000))
 \$450,000
 TOTAL APPROPRIATION ... \$1,397,665,000
 \$1,393,916,000

Sec. 402. 2017 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State
 Appropriation..... ((\$448,000))
 \$939,000
 Motor Vehicle Account—State
 Appropriation..... \$147,000
 Connecting Washington Account—State
 Appropriation..... ((\$360,000))
 \$640,000
 Transportation 2003 Account (Nickel Account)—State
 Appropriation..... ((\$65,000))

\$94,000

TOTAL APPROPRIATION..... \$873,000

\$1,820,000

Sec. 403. 2017 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State
Appropriation:

For motor vehicle fuel tax distributions to cities and counties.. ((\$514,648,000))

\$508,182,000

Sec. 404. 2017 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State
Appropriation:

For motor vehicle fuel tax refunds and statutory transfers ((\$2,196,693,000))

\$2,145,972,000

Sec. 405. 2017 c 313 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State
Appropriation:

For motor vehicle fuel tax refunds and transfers..... ((\$200,747,000))

\$203,535,000

Sec. 406. 2017 c 313 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) ((State Patrol Highway Account—State
Appropriation: For transfer to the Connecting
Washington Account—State \$21,221,000))

Highway Safety Account—State
Appropriation: For
transfer to the Motor Vehicle Account—
State.....\$30,000,000

(2) Transportation Partnership
Account—State
Appropriation: For transfer to the
Connecting
Washington Account—State..\$10,946,000

(3) ((~~Highway Safety Account—State~~
~~Appropriation: For transfer to the~~
~~Multimodal~~
~~Transportation Account—~~
~~State.....\$57,000,000~~

(4)) Motor Vehicle Account—State
Appropriation:
For transfer to the Connecting
Washington
Account—State.....\$56,464,000

((~~5~~)) (4) Motor Vehicle Account—
State Appropriation:
For transfer to the Freight Mobility
Investment
Account—State.....\$8,511,000

((~~6~~)) (5) Motor Vehicle Account—
State Appropriation:
For transfer to the Puget Sound
Capital
Construction Account—State \$20,000,000

((~~7~~)) (6) Motor Vehicle Account—
State Appropriation:
For transfer to the Rural Arterial
Trust
Account—State.....\$4,844,000

((~~8~~)) (7) Motor Vehicle Account—
State Appropriation:
For transfer to the Transportation
Improvement
Account—State.....\$9,688,000

((~~9~~)) ~~Motor Vehicle Account—State~~
~~Appropriation:~~
~~For transfer to the State Patrol~~
~~Highway~~
~~Account—State.....\$43,000,000~~

(8) Highway Safety Account—State
Appropriation: For

transfer to the State Patrol Highway
Account-State \$33,000,000

~~((10))~~ (9) Puget Sound Ferry
Operations Account-State

Appropriation: For transfer to the
Connecting

Washington Account-State... \$1,305,000

~~((11))~~ (10) Rural Mobility Grant
Program Account-State

Appropriation: For transfer to the
Multimodal

Transportation Account-
State \$3,000,000

~~((12))~~ (11) State Route Number 520
Civil Penalties

Account-State Appropriation: For
transfer to

the State Route Number 520 Corridor

Account-State..... ~~((1,240,000))~~

\$2,000,000

~~((13))~~ (12) Capital Vessel
Replacement Account-State

Appropriation: For transfer to the
Connecting

Washington Account-State.. \$36,500,000

~~((14))~~ (13) Multimodal
Transportation Account-State

Appropriation: For transfer to the
Freight

Mobility Multimodal Account-
State \$8,511,000

~~((15))~~ (14) Multimodal
Transportation Account-State

Appropriation: For transfer to the
Puget Sound

Capital Construction Account-
State ~~((32,000,000))~~

\$34,000,000

~~((16))~~ (15) Multimodal
Transportation Account-State

Appropriation: For transfer to the
Puget Sound

Ferry Operations Account-
State \$20,000,000

~~((17))~~ (16) Multimodal
Transportation Account-State

Appropriation: For transfer to the
Regional

Mobility Grant Program Account-
State.....\$27,679,000

~~((18))~~ (17) Multimodal
Transportation Account-State

Appropriation: For transfer to the
Rural

Mobility Grant Program Account-
State.....\$15,223,000

~~((19))~~ (18) Tacoma Narrows Toll
Bridge Account-State

Appropriation: For transfer to the
Motor

Vehicle Account-State\$950,000

~~((20))~~ (19) Transportation 2003
Account (Nickel Account)-

State Appropriation: For transfer to
the Connecting

Washington Account-State..\$22,970,000

~~((21))~~ (20) (a) Interstate 405
Express Toll Lanes Operations

Account-State Appropriation: For
transfer to the

Motor Vehicle Account-State \$2,019,000

(b) The transfer identified in this
subsection is provided solely to repay in
full the motor vehicle account-state
appropriation loan from section 407(19),
chapter 222, Laws of 2014.

~~((22))~~ (21) (a) Transportation
Partnership Account-State

Appropriation: For transfer to the
Alaskan Way Viaduct

Replacement Project Account-
State.....~~((122,046,000))~~

\$122,047,000

(b) The amount transferred in this
subsection represents that portion of the
up to \$200,000,000 in proceeds from the
sale of bonds authorized in RCW
47.10.873, intended to be sold through
the 2021-2023 fiscal biennium, used only
for construction of the SR 99/Alaskan Way
Viaduct Replacement project (809936Z),
and that must be repaid from the Alaskan
Way viaduct replacement project account
consistent with RCW 47.56.864.

~~((23))~~ (22) (a) Motor Vehicle
Account-State

Appropriation: For transfer to the
Tacoma Narrows Toll

Bridge Account-State\$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur in November 2019.

~~((24))~~ (23) Motor Vehicle Account-State

Appropriation: For transfer to the County Arterial

Preservation Account-State. \$4,844,000

~~((25))~~ (24) (a) General Fund Account-State Appropriation:

For transfer to the State Patrol Highway

Account-State..... \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

~~((26))~~ (25) (a) Motor Vehicle Account-State Appropriation:

For transfer to the Alaskan Way Viaduct Replacement

Project Account-State.. (~~(\$6,506,000)~~)
\$11,337,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when the portion of state route number 99 that is a deep bore tunnel is operational.

(26) Multimodal Transportation Account-State

Appropriation: For transfer to the Highway Safety

Account-State..... \$7,000,000

(27) (a) Alaskan Way Viaduct Replacement Project

Account-State Appropriation: For transfer to the

Transportation Partnership Account-State \$2,400,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement Project (809936Z).

COMPENSATION

Sec. 501. 2017 3rd sp.s. c 1 s 726 (uncodified) is amended to read as follows:

TRANSPORTATION-WASHINGTON FEDERATION OF STATE EMPLOYEES

~~(Motor Vehicle Account State Appropriation.....\$18,443,000~~

~~State Patrol Highway Account State Appropriation.....\$1,199,000~~

~~State Patrol Highway Account Federal Appropriation.....\$22,000~~

~~Puget Sound Ferry Operations Account State Appropriation.....\$73,000~~

~~Highway Safety Account State Appropriation.....\$2,613,000~~

~~Motorcycle Safety Education Account State Appropriation.....\$37,000~~

~~State Wildlife Account State Appropriation.....\$14,000~~

~~Ignition Interlock Device Revolving Account State~~

~~Appropriation.....\$5,000~~

~~Department of Licensing Services Account State~~

~~Appropriation.....\$102,000~~

~~Aeronautics Account State Appropriation.....\$3,000~~

~~Interstate 405 Express Toll Lanes Operations Account State~~

~~Appropriation.....\$27,000~~

~~State Route Number 520 Corridor Account State~~

~~Appropriation.....\$51,000~~

~~State Route Number 520 Civil Penalties Account State~~

~~Appropriation.....\$16,000~~

~~Multimodal Transportation Account State Appropriation.....\$40,000~~

~~Tacoma Narrows Toll Bridge Account State Appropriation.....\$22,000~~

~~TOTAL APPROPRIATION.....\$22,667,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the Washington

~~Puget Sound Ferry Operations Account State~~

~~Appropriation..... \$26,000~~

~~State Route Number 520 Corridor Account State~~

~~Appropriation..... \$86,000~~

~~State Route Number 520 Civil Penalties Account State~~

~~Appropriation..... \$4,000~~

~~Multimodal Transportation Account State Appropriation..... \$43,000~~

~~Tacoma Narrows Toll Bridge Account State Appropriation..... \$62,000~~

~~Motorecycle Safety Education Account State Appropriation..... \$10,000~~

~~TOTAL APPROPRIATION..... \$9,741,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP

~~Transportation Document 713 - 2017T)) this act to fund the provisions of this agreement.~~

Sec. 504. 2017 3rd sp.s. c 1 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION-THE COALITION OF UNIONS AGREEMENT

~~((State Patrol Highway Account State Appropriation.....\$309,000~~

~~State Patrol Highway Account Federal Appropriation.....\$44,000~~

~~TOTAL APPROPRIATION.....\$353,000~~

~~The appropriation in this section is subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2017T)) this act to fund the provisions of this agreement.

Sec. 505. 2017 3rd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION-GENERAL WAGE INCREASE-STATE EMPLOYEES

(Motor Vehicle Account State	
Appropriation	\$5,163,000
State Patrol Highway Account State	
Appropriation	\$812,000
State Patrol Highway Account Federal	
Appropriation	\$8,000
State Patrol Highway Account	
Private/Local Appropriation	\$1,000
Puget Sound Ferry Operations Account	
State Appropriation	\$460,000
Highway Safety Account State	
Appropriation	\$655,000
Highway Safety Account Federal	
Appropriation	\$119,000
Motorcycle Safety Education Account	
State Appropriation	\$12,000
State Wildlife Account State	
Appropriation	\$8,000
Department of Licensing Services	
Account State	
Appropriation.....	\$21,000
Aeronautics Account State	
Appropriation	\$53,000
State Route Number 520 Corridor	
Account State	
Appropriation.....	\$102,000
Multimodal Transportation Account	
State Appropriation	\$302,000
Rural Arterial Trust Account State	
Appropriation	\$32,000
County Arterial Preservation Account	
State Appropriation	\$33,000
Transportation Improvement Account	
State Appropriation	\$84,000
TOTAL APPROPRIATION.....	\$7,865,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding is provided for state agency employee compensation for employees funded in the 2017-2019 omnibus transportation appropriations act who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or

41.56.475. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Funding is provided for a two percent general wage increase effective July 1, 2017, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2017, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a two percent general wage increase effective July 1, 2018, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2018, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a two percent general wage increase effective January 1, 2019, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective January 1, 2019, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 2017~~) this act to fund the provisions of this section.

Sec. 506. 2017 3rd sp.s. c 1 s 731 (uncodified) is amended to read as follows:

TRANSPORTATION-TARGETED COMPENSATION INCREASES-NONREPRESENTED JOB CLASS SPECIFIC

~~((Motor Vehicle Account State Appropriation \$629,000
Puget Sound Ferry Operations Account State Appropriation \$14,000
Transportation Improvement Account State Appropriation \$90,000
County Arterial Preservation Account State Appropriation \$16,000
State Route Number 520 Corridor Account State Appropriation \$16,000
TOTAL APPROPRIATION \$765,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2017-2019 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Funding is contingent upon the enactment of ~~((Senate Bill No. 5969))~~ chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ~~((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))~~

(2) Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713 2017))~~ this act to fund the provisions of this section.

Sec. 507. 2017 3rd sp.s. c 1 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION-ORCA TRANSIT PASSES-WASHINGTON FEDERATION OF STATE EMPLOYEES

~~((Motor Vehicle Account State Appropriation \$410,000
State Patrol Highway Account State Appropriation \$32,000~~

~~Puget Sound Ferry Operations Account State Appropriation \$8,000
Highway Safety Account State Appropriation \$30,000
State Route Number 520 Corridor Account State Appropriation \$8,000
State Route Number 520 Civil Penalties Account State Appropriation \$2,000
Tacoma Narrows Toll Bridge Account State Appropriation \$2,000
Interstate 405 Express Toll Lanes Operations Account State Appropriation \$6,000
TOTAL APPROPRIATION \$498,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, who are represented by the Washington Federation of State Employees. Funding is contingent upon the enactment of ~~((Senate Bill No. 5969))~~ chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ~~((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))~~

(2) Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713 2017))~~ this act to fund the provisions of this section.

Sec. 508. 2017 3rd sp.s. c 1 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION-ORCA TRANSIT PASSES

~~((Motor Vehicle Account State Appropriation \$142,000
State Patrol Highway Account State Appropriation \$252,000
State Patrol Highway Account Federal Appropriation \$6,000
State Patrol Highway Account Local Appropriation \$8,000
Puget Sound Ferry Operations Account State Appropriation \$1,548,000
Highway Safety Account State Appropriation \$76,000~~

~~State Route Number 520 Corridor
Account State Appropriation \$16,000~~

~~Tacoma Narrows Toll Bridge Account
State Appropriation \$4,000~~

~~Multimodal Transportation Account
State
Appropriation..... \$10,000~~

~~TOTAL APPROPRIATION..... \$2,062,000~~

~~The appropriations in this section
are subject to the following conditions
and limitations:))~~

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, and who are not covered by a collective bargaining agreement. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~))

(2) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 - 2017~~) this act to fund the provisions of this section.

Sec. 509. 2017 3rd sp.s. c 1 s 735 (uncodified) is amended to read as follows:

**~~TRANSPORTATION-COMPENSATION-
REPRESENTED EMPLOYEES-INSURANCE BENEFITS~~**

~~(Aeronautics Account State
Appropriation \$3,000~~

~~State Patrol Highway Account State
Appropriation \$711,000~~

~~State Patrol Highway Account Federal
Appropriation \$38,000~~

~~State Patrol Highway Account
Private/Local Appropriation \$15,000~~

~~Motorcycle Safety Education Account
State Appropriation \$7,000~~

~~State Wildlife Account State
Appropriation \$4,000~~

~~Highway Safety Account State
Appropriation \$821,000~~

~~Motor Vehicle Account State
Appropriation \$2,955,000~~

~~Puget Sound Ferry Operations Account
State Appropriation \$1,872,000~~

~~Ignition Interlock Device Revolving
Account State
Appropriation \$1,000~~

~~State Route Number 520 Corridor
Account State Appropriation..... \$20,000~~

~~State Route Number 520 Civil Penalties
Account State
Appropriation..... \$4,000~~

~~Department of Licensing Services
Account State Appropriation..... \$18,000~~

~~Multimodal Transportation Account
State Appropriation..... \$18,000~~

~~Tacoma Narrows Toll Bridge Account
State Appropriation..... \$9,000~~

~~I-405 Express Toll Lanes Operations
Account State
Appropriation..... \$8,000~~

~~TOTAL APPROPRIATION \$6,504,000~~

~~The appropriations in this section are
subject to the following conditions and
limitations:))~~

Collective bargaining agreements were reached for the 2017-2019 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2017-2019 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not

less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 2017~~) this act to fund the provisions of this agreement.

Sec. 510. 2017 3rd sp.s. c 1 s 736 (uncodified) is amended to read as follows:

~~TRANSPORTATION-COMPENSATION-
NONREPRESENTED EMPLOYEES-INSURANCE
BENEFITS~~

((Aeronautics	Account State	Appropriation.....	\$9,000
State Patrol Highway	Account State	Appropriation.....	\$1,414,000
State Patrol Highway	Account Federal	Appropriation.....	\$14,000
Motorcycle Safety Education	Account State	Appropriation.....	\$2,000
Rural Arterial Trust	Account State	Appropriation.....	\$4,000
State Wildlife	Account State	Appropriation.....	\$1,000
Highway Safety	Account State	Appropriation.....	\$111,000
Highway Safety	Account Federal	Appropriation.....	\$20,000
Motor Vehicle	Account State	Appropriation.....	\$781,000
Puget Sound Ferry Operations	Account State	Appropriation.....	\$68,000
Transportation Improvement	Account State	Appropriation.....	\$12,000
State Route Number 520 Corridor	Account State	Appropriation.....	\$16,000
County Arterial Preservation	Account State	Appropriation.....	\$4,000
Department of Licensing Services	Account State	Appropriation.....	\$3,000
Multimodal Transportation	Account State	Appropriation.....	\$45,000
TOTAL APPROPRIATION		.....	\$2,504,000

~~The appropriations in this section are subject to the following conditions and limitations:)~~

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding

rate must not exceed \$957 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified

after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 - 2017~~) this act to fund the provisions of this agreement.

IMPLEMENTING PROVISIONS

Sec. 601. 2017 c 313 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2017-1)~~) 2018-1 as developed (~~(April 20, 2017)~~) March 5, 2018, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2017 c 313 s 606 (uncodified) is amended to read as follows:

(1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed (~~April 20, 2017~~) March 5, 2018). The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

Sec. 701. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

The pilotage account is hereby redesignated as a nonappropriated

account, and is therefore created in the custody of the state treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. Only the board or the board's designee may authorize expenditures from the account, except that during the 2017-2019 fiscal biennium an amount up to \$50,000 may be expended by the utilities and transportation commission for the development of a marine pilotage tariff rate-setting process and associated rate-setting. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 702. A new section is added to 2017 c 313 (uncodified) to read as follows: **ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

(1) The department of transportation is authorized, subject to the conditions in section 305(3) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline.

NEW SECTION. Sec. 703. 2017 c 288 s 5 (uncodified) is repealed.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 88.16.061; amending 2017 c 313 ss 101, 103, 105, 106, 108, 102, 202-223, 301-312, 401, 402, 404, 406-408, 601, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 995, 726-733, 735, and 736 (uncodified); adding new sections to 2017 c 313 (uncodified); repealing 2017 c 288 s 5 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

Senators Hobbs, King and Saldaña
Representatives Clibborn, Fey and Orcutt

There being no objection, the House adopted the conference committee report on SENATE BILL NO. 6106 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Clibborn, Orcutt, Tarleton, Hargrove, Slatter and Fey spoke in favor of the passage of the bill as recommended by the conference committee.

MOTION

On motion of Representative Hayes, Representative Manweller was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Senate Bill No. 6106 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6106, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Bergquist.

Excused: Representative Manweller.

SENATE BILL NO. 6106, as recommended by the conference committee, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Clibborn: "Thank you Madame Speaker, point of personal privilege. This is a very special budget. This will be my last, and I want everybody know that it was a wonderful time, working with everybody here, I've sort of been blown away because I've enjoyed so much of everything that we've done this year, but I will not be running again and I leave this in very good hands because I'm so proud of all the people who are working so hard and I think that we are well served by the people who will come and take my place but I appreciate everything and I do not want a whole lot of talks. Thank you."

The Speaker (Representative Orwall presiding) "The good gentleman from the 46th, 43rd..."

Mr. Speaker: "How soon you forget. Ok, look I don't come out here very often because I'm nervous about giving floor speeches but I have a point of something or other."

The Speaker (Representative Orwall presiding) "Please proceed Mr. Speaker"

Mr. Speaker: "Well uh, Judy told me about this yesterday and I, just from the bottom of our heart, we will miss you and I've gotta say a number of things. First of all, there are few legislators in the history of the state that have such a beneficial impact to the people of Washington state. That's the god's honest truth. As chair of Transportation, she's put together budgets and revenue packages that literally created tens of thousands of public works jobs. Employing all sorts of people in so many beneficial ways. She's improved our roads, our ferries, our transit systems, etcetera. And the other thing about it which is really remarkable nowadays is that she did this in a bipartisan manner. You've heard it today, numerous times, not just today but for years in the past as well. She's always looked for that middle ground between that aisle to try to figure out how we can all work together for the benefit of the people of

the state. So therefore, I'm calling for an immediate emergency resolution to prohibit the previous announcement."

ANNOUNCEMENT OF NOT RETURNING?

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate insists on its position in the House amendment to ENGROSSED HOUSE BILL NO. 2519 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Dhingra, Pedersen and Padden,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED HOUSE BILL NO. 2519. The Speaker appointed the following members as Conferees: Representatives Jinkins, Lovick and Taylor.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Rolfes, Carlyle, Darneille, Hasegawa, Pedersen, Conway, Keiser, Hunt, Frockt, Kuderer, Chase, Liias and Saldaña)

Strengthening oil transportation safety.

The bill was read the second time.

Representative Pike moved the adoption of amendment (1408).

On page 1, line 18, after "(b)" insert "Industry has taken substantial steps to provide safe transport of oil in Washington state including the implementation of international, federal, local, and industry standards, which have had a significant effect in reducing the risk of oil spills. Since the use of double hulls, there has not been a spill in Washington waters since 1984 caused by the structural failure of a tank vessel.

(c) "

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

Representative Pike spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (1408) was not adopted.

Representative Buys moved the adoption of amendment (1409):

On page 1, beginning on line 18, strike all of subsection (b)

Renumber the remaining subsections consecutively and correct any internal references accordingly

On page 2, beginning on line 27, after "to" strike all material through "well as" on line 29

Representative Buys spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1409) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1409) was not adopted.

Representative MacEwen moved the adoption of amendment (1407):

On page 6, line 29, after "agency;" strike "and"

On page 6, line 30, after "2019" insert "; (5) a review of activities including inspections of vessels to determine if overlapping or duplicative activities are occurring with oil spill or prevention partners and regulators at the state or federal level or with branches of the military; and (6) recommendations for efficiencies, cost savings, and performance benchmarks"

Representative MacEwen and MacEwen (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1407) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1407) was not adopted.

Representative Taylor moved the adoption of amendment (1391):

On page 6, after line 30, insert the following:

"Sec. 105. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding

to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the 2015-2017 biennium, the legislature may transfer up to two million two hundred twenty-five thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

(6) A favorable vote of at least two-thirds of the members of each house of the legislature is required in order to authorize the transfer of funds from the

oil spill response account to any other account in the state treasury.

Sec. 106. RCW 90.56.510 and 2015 c 274 s 7 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2019, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) A favorable vote of at least two-thirds of the members of each house of the legislature is required in order to authorize the transfer of funds from the oil spill prevention account to any other account in the state treasury."

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

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1391) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1391) was not adopted.

Representative Taylor moved the adoption of amendment (1405):

On page 11, line 3, after "31," strike "2019" and insert "2020"

On page 20, after line 28, insert the following:

"(4) The department shall contract, if practicable, with eligible independent third parties to complete state and federal geographic response plans, and updates to such plans."

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1405) was not adopted.

Representative MacEwen moved the adoption of amendment (1406):

On page 12, line 5, after "department" strike "must" and insert "may"

On page 13, line 7, after "department" strike "must conduct specialized reviews and prioritize adding capacity" and insert "may conduct specialize reviews"

On page 21, line 18, after "department" strike "must" and insert "may"

Representative MacEwen spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1406) was not adopted.

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

Representative Peterson spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6269.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6269, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kristiansen, Lovick, Lytton, Macri, McBride, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269 was immediately transmitted to the Senate.

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

THIRD READING

The House previously granted the Senate's request for a Conference on SENATE BILL NO. 6032 and the Speaker appointed Representatives Ormsby, Sullivan and Chandler as Conferees.

The Speaker (Representative Orwall presiding) appointed Representative Robinson as Conferee, replacing Representative Sullivan.

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

MOTION

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6340 and the bill was placed on the second reading calendar:

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The President has signed:

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,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

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

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5987 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 5987 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SENATE BILL NO. 5987, by Senator Padden

Concerning pretrial release programs.

The bill was read the second time.

Representative Goodman moved the adoption of amendment (1457).

On page 2, beginning on line 30, after "to" strike all material through "Prevent" on line 33 and insert "assure the appearance of the defendant at trial or to prevent"

On page 4, after line 13, insert the following:

"NEW SECTION. **Sec. 6.** A new section is added to chapter 10.21 RCW to read as follows:

A judicial officer in a municipal, district, or superior court imposing conditions of pretrial release for a defendant accused of a misdemeanor, gross misdemeanor, or felony offense, may prohibit the defendant from possessing or consuming any intoxicating liquors or drugs not prescribed to the defendant, and require the defendant to submit to testing to determine the defendant's compliance with this condition, when the judicial officer determines that such condition is necessary to protect the public from harm."

Correct the title.

Representatives Goodman and Klippert spoke in favor of the adoption of the amendment.

Amendment (1457) was adopted.

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

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5987, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5987, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber,

McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SENATE BILL NO. 5987, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6007, by Senators Takko, Sheldon, Van De Wege and Warnick

Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses.

The bill was read the second time.

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

Representatives Morris, DeBolt, Walsh and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6007.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6007, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Frame, Pollet and Stanford.
Excused: Representative Manweller.

SENATE BILL NO. 6007, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6340, by Senate Committee on Ways & Means (originally sponsored by Senators Conway, Bailey, Hobbs, Walsh, Hasegawa, Hunt, Mullet, Keiser, Palumbo and Saldaña)

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

The bill was read the second time.

With the consent of the House, the Appropriations committee amendment was not adopted (For committee amendment, see Journal, Day 50, February 26, 2018)

With the consent of the house, amendments (1301) and (1324) were withdrawn.

Representative MacEwen moved the adoption of amendment (1456).

On page 1, line 11, after "benefit of" strike "two" and insert "three"

On page 2, line 1, after "of" strike "two" and insert "three"

Representatives MacEwen, Jenkin, Haler, Irwin, Orcutt, Muri, Young, MacEwen (again) and Condotta spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1456) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1456) was not adopted.

Representative Ormsby moved the adoption of amendment (1454):

On page 1, line 11, after "benefit of" strike "two" and insert "one and one-half"

On page 2, line 1, after "of" strike "two" and insert "one and one-half"

Representative Ormsby spoke in favor of the adoption of the amendment.

Representatives Stokesbary, Haler, Muri, Maycumber and Orcutt spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1454) and the amendment was adopted by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

Amendment (1454) was adopted.

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

Representatives Ormsby, Irwin and McCaslin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6340, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6340, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SUBSTITUTE SENATE BILL NO. 6340, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6087, by Senators Mullet, Palumbo, Carlyle, Braun, Kuderer, Dhingra, Pedersen, Takko, McCoy, Liias and Conway

Modifying the Washington advanced college tuition payment and college savings programs.

The bill was read the second time.

Representative Bergquist moved the adoption of the striking amendment (1317).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.020 and 2016 c 69 s 2 are each amended to read as follows:

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

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary

recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW (~~(28B.95.010)~~) 28B.95.085.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030 (7) and (8).

(7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

(8) "Eligible beneficiary" means the person designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

(9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of

tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

(11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

(13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

(18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington

college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

(22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030 (7) and (8).

(23) "Unit cash value price" means the total value of assets under management in the advanced college tuition payment program on a date to be determined by the committee, divided by the total number of outstanding credits purchased by eligible purchasers before July 1, 2015, and any outstanding credits accrued by eligible purchasers as a result of the July 2017 unit rebase.

(24) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

Sec. 2. RCW 28B.95.030 and 2016 c 69 s 4 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) (a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (7) and (8) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (7) and (8) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (7) and (8) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3) (a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter

529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in

this subsection is made and must include a statement concerning the adjustment.

(8) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of the effective date of this section, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection (8)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

(9)(a) After the governing body completes the requirements of subsection (8), the governing body shall adjust, by March 1, 2019, all remaining unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after subsection (9)(a)(i) is completed, the governing body, with assistance from the state actuary, shall grant an additional number of units to each account holder with unredeemed and purchased units before July 1, 2015, in order to lower the best-estimate funded status of the program to one hundred twenty five percent. The state actuary shall select the measurement date, assumptions, and methods necessary to perform an actuarial measurement

consistent with the purpose of this subsection.

(b) For the purpose of subsection (9), and for account holders with uncompleted custom monthly contracts, the governing body shall only include purchased and unredeemed units before July 1, 2015.

(10) The governing body shall collect an amortization fee as a component of each future unit sold whenever the governing body determines amortization fees are necessary to increase the best-estimate funded status of the program.

(11) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

~~((9))~~ (12) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property,

assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

Sec. 3. RCW 28B.95.045 and 2016 c 69 s 6 are each amended to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover or investment change of a 529 account from a:

(a) ~~((a))~~ State-sponsored prepaid tuition plan to a state-sponsored college savings plan~~((r))~~;

(b) ~~((a))~~ State-sponsored college savings plan to a state-sponsored prepaid tuition plan~~((r))~~; or

(c) ~~((a))~~ State-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

NEW SECTION. Sec. 4. 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 April 15, 2018."

Representative Bergquist moved the adoption of amendment (1319) to the striking amendment (1317):

On page 4, line 18 of the striking amendment, after "outstanding" strike "credits" and insert "units"

On page 4, line 19 of the striking amendment, after "outstanding" strike "credits" and insert "units"

On page 4, beginning on line 20 of the striking amendment, after "rebase." insert "For purposes of this calculation, the total market value of assets shall exclude the total accumulated market value of proceeds from units purchased after June 30, 2015."

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1319) to the striking amendment (1317) was adopted.

Representative Hansen moved the adoption of amendment (1353) to the striking amendment (1317):

On page 8, line 3 of the striking amendment, after "percent" insert ", subject to a limit of an increase of fifteen percent of unredeemed and purchased units per account holder"

Representatives Hansen and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1353) to the striking amendment (1317) was adopted.

Representatives Bergquist and MacEwen spoke in favor of the adoption of the striking amendment as amended.

Amendment (1317), as amended, was adopted.

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

Representatives Hansen, MacEwen and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6087, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6087, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Frame, Graves, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Schmick, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Fitzgibbon, Goodman, Gregerson, Hudgins, Peterson, Robinson, Sawyer, Sells and Stanford.

Excused: Representative Manweller.

ENGROSSED SENATE BILL NO. 6087, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SENATE BILL NO. 6087 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5627,
and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614,
and the same are herewith transmitted.

Brad Hendrickson, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2018-4690, by Representatives Chopp, Kristiansen, Appleton, Barkis,

Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, It is the policy of the Washington State House of Representatives to recognize the achievements and dedication of elected officials representing Washington state; and

WHEREAS, Representative Liz Pike grew up as one of 13 children on a dairy farm in the southwest Washington community of Brush Prairie; and

WHEREAS, Representative Liz Pike worked for The Reflector Newspaper in Battle Ground where she gained a deep interest in local civic issues; and

WHEREAS, Representative Liz Pike owned and operated an advertising agency for more than 18 years, is an accomplished canvas art painter, owns a retail art gallery, and is the founding member of the Camas First Friday Art Walk; and

WHEREAS, Representative Liz Pike was elected to the Camas City Council from 2003 to 2007 where she advocated for lowering taxes and increasing government efficiency; and

WHEREAS, Representative Liz Pike was appointed to the Washington State House of Representatives in the summer of 2012 to represent the 18th District, elected in November 2012, and has served for three terms in the House of Representatives; and

WHEREAS, Representative Liz Pike is assistant ranking member on both the House Local Government Committee and the House Labor and Workplace Standards Committee; and

WHEREAS, Representative Liz Pike is a member of the House Transportation Committee, where she has been a strong advocate for cross-river solutions that would relieve Interstate 5 traffic congestion between Vancouver and Portland; and

WHEREAS, Representative Liz Pike lives her motto of "Protecting life, liberty and the pursuit of happiness"; and

WHEREAS, Representative Liz Pike is the mother of grown twin children, a marathon runner for more than 25 years, and holds the distinction of a Hawaii Ironman World Championship triathlon finisher; and

WHEREAS, Representative Liz Pike recently married her longtime companion, Neil Cahoon, and intends to retire from the Legislature at the end of her term in January 2019 so she can spend more time on her beloved organic Shangri-La Farm in Fern Prairie with Neil and Maxie the Wonder Dog and return to her love of artistic painting;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Representative Liz Pike for her years of dedicated service, her conservative values, and representing the citizens of the 18th District with honor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Representative Liz Pike.

Representative DeBolt moved adoption of HOUSE RESOLUTION NO. 4690.

Representative DeBolt: “This is a great honor to be able to stand up and do this tonight. As we see people are leaving and Representative Pike has been a big part of our team and our family for many years. I got a little story about Representative Pike so when she was first elected, we decided that she was a great floor speaker, and you’ve heard some of her floor speeches and she does a really excellent job that she should come join our leadership team as assistant floor leader. And we’re like, cause she hit the ground running, we were like, she’s dynamite, we want her on the team, we want to put her in a leadership role and we’re like, so great, hey and by the way we have this floor fight we’re gonna do today so speak. And she goes out there, we didn’t tell her anything, we didn’t tell her what the decorum was, we didn’t tell her anything, we just told her, go speak on this bill. Here’s what the bill’s about, I think you have about four and a half minutes. And then get up and give a speech. And she stood up there, do you remember this? And she started to laugh, and she laughed uncontrollably to where she couldn’t speak at all and she kept laughing and she’s looking at us and she’s so mortified that she can’t stop laughing. And then she came down after she was done, I don’t think you finished. Did you finish? I think she sat down. And she came down to me and I was leader at the time and she said, I don’t think I’m cut out for this. And I said, well what happened? And then she’s like you people didn’t tell me anything. I don’t know what I’m doing. I’m like, Oh, ok well we’ll work on that and so you know over the years she was such a great sport, um, she worked with us, she taught us a lot, Liz has been one of those people that you know exactly how she feels cause she lets you know. You’ve been a treasured part of my team and my life. I’m glad that you were here. We will miss you sorely. Thank you very much for running.”

Representative Wylie: “Thank you Madame Speaker. It’s hard to know where to begin. We come here all of us and we have different definitions of what the problems are, what caused em, and certainly what we need to do to solve them and one of the things that we sometimes forget, particularly this late in the Session, is how much we have in common and how much we love this state and for the good lady of the 18th we share a lot more in common than our politics, in fact, we don’t share our politics hardly at all. We

love dearly our adult twin children. We love the beauty of our state. We love being outside, and we both have a love of how it feels to put paint on canvas and try to mirror or reflect light on leaves and sky and I will always treasure the times that we’ve had. The time that we out of nowhere, put together an art show, made a really good amount of money, your paintings sold for a lot more than mine and that wasn’t fair. We made a lot of money so that kids in shelters could have school supplies and art supplies mid year after all the early donations had been used up, and I will always treasure that memory and I thank you for your service.”

Representative Caldier: “You know, when I first got elected, I was really trying to get to know people and Representative Pike, she gave this great speech in caucus. It was very feisty, and she compared something to marbles, I think you remember that one and I thought you know what, I’m gonna like working with her, and I have. And let me tell you something, I have learned so much from you Liz, I mean these last four years, I don’t know what I would have done without your friendship, I really don’t. And I mean that because many of you guys know last year I had a lot of problems, a lot of health problems. Liz was there. I’m going to miss you.”

Representative Orcutt: Thank you Madame Speaker, You know, as the resolution was being read, there was one important fact that I think has been left out of the resolution. And that’s the fact that the Representative from the 18th, who is currently in position 2 actually started her legislative career in position 1. She actually got appointed in the interim in 2012 to serve out Representative Rivers’ term when she went over to the Senate. And so she served in that position of position 1 and she was actually running in position 2 so it was kind of an interesting dynamic. But you know, I first really got to know Liz in 2003 when I was just in my second year in the Legislature. And over the years, I got to know Liz and she would always say “Ed, you’re my hero” because I would vote on something that she was very passionate about and I voted the way she wanted me to vote and she’d always say “Ed, you’re my hero.” And then she came here, and became a Representative in her own right and I just want to express to her you’re *my* hero because of the work that you’ve done and the way that you’ve represented the citizens of the district I used to represent. In fact, she replaced me in the 18th district when I got redistricted to the 20th. So I know the expectations of the people in that district and I know she’s done a wonderful job living up to the expectations of the citizens of that district and Liz, you are my hero. Thank you so much for your service here in the Legislature.”

Representative Clibborn: “Thank you Madame Speaker. I know we’re not supposed to use names on the floor and I was going to call her the gentlewoman, but you know that doesn’t really fit. Whirlwind fits, but charm fits, and we have had a great working relationship on Transportation. It’s been kind of fun and I want you to know that we have not always agreed but we have always been able to make things work out and it has been such a pleasure working with you. I think that you have that feistiness that you heard, it serves

you well and wherever you go, we wish you the best. You are a great person to work with. Thank you”

There being no objection, HOUSE RESOLUTION NO. 4690 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4685, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Representative Larry Haler was born in Iowa City, Iowa and educated at two of Washington state's finest institutions of higher learning, Pacific Lutheran University and Bellevue-based City University; and

WHEREAS, Representative Larry Haler has over 40 years' experience working in the nuclear industry, most of it focused on nuclear control rooms, safety training, and community relations, and as such has become the Legislature's resident expert on all things Hanford; and

WHEREAS, Representative Larry Haler has had a long and illustrious civic career having been elected to the Richland City Council in 1989, where he served for 15 years, including as Richland's Mayor from 1996 to 2000, before he was elected to the state House of Representatives in 2004; and

WHEREAS, Residents in the 8th Legislative District have shown their support for Representative Larry Haler's character, work ethic, priorities, demeanor, and ideals by electing him to the House of Representatives seven consecutive times; and

WHEREAS, Representative Larry Haler spent much of his legislative career focusing on education, higher education, economic development, protecting taxpayers, and health care for underserved areas; and

WHEREAS, Representative Larry Haler sponsored legislation signed into law by two different governors to protect students from predatory teachers, increase health care access to rural and underserved areas, and to help sick and injured Hanford workers get the help and health care they need; and

WHEREAS, Representative Larry Haler is known for his love of all things science, including gravitational waves, quarks, dark matter, and the mass of neutrinos, and

frequently beguiles friends and colleagues alike with discussions of the work being done at the Laser Interferometer Gravitational-Wave Observatory and the Pacific Northwest National Laboratory in Richland; and

WHEREAS, Representative Larry Haler's warm smile, quick wit, and sincere gratitude endeared him to members and staff on both sides of the aisle and in both legislative chambers; and

WHEREAS, Representative Larry Haler's love for the legislative institution, respect for all members and staff, eagerness to serve the public, and genuine distaste for partisan bickering made him a unique and stalwart member of the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and recognize Representative Larry Haler for his many years of service, poignant floor speeches, ability to work across the aisle and rotunda, and demeanor as a true statesman; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Larry Haler and his lovely wife, Jenifer, and their precocious dog, Princess.

Representative Klippert moved adoption of HOUSE RESOLUTION NO. 4685

Representative Klippert: “Thank you Madame Speaker for this extreme honor to speak to you and this body and everyone watching TVW concerning my Great seatmate, Representative Larry Haler. As we heard in the house resolution, Larry served on the Richland city council for many years to include being the Mayor, the Mayor of the city of Richland before he came to this House of Representatives. And from the moment that I ran, started running for office and was elected to this position, he took me under his wings, he put his arm around me and pretty much adopted me. And I just want to thank him for that. The one thing I've noticed about Larry is his love for people. He loves the citizens of the 8th Legislative District and he loves serving them. And so Larry, I thank you for that. Thank you for your deep abiding love for them and I'm jealous for the amount of hair he has on his head. It's not fair, he's the much better looking of the two of us but it's still an honor to have served with you sir and thank you for being a brother in service here and I hope that his wife is watching because, Madame Speaker, the first town meeting that I went to and watched that lady work by his side, truly amazing. They have made a great team. So to Mrs. Haler, hopefully you're watching and I want to say thank you to you for all your kindness and all your hard work to make Representative Larry Haler the great man that he is. Thank you Larry for your years of dedication of service to this institution and the citizens of the 8th Legislative District and the citizens of the state of Washington. Thank you Sir.”

Representative Lovick: “Thank you very much Madame Speaker. And Madame Speaker I know that these are the times that people like to crack a few jokes and I'm not one with a lot of jokes, so I was thinking, as we were sitting here,

about two words that I would use to describe the fine gentleman from the 8th. And the two words that came to mind are respect and integrity. His extraordinary respect for not just this institution but for everyone, is just something that I absolutely love. And then there's integrity. You know the great writer, C.S. Lewis said that integrity is doing the right thing when no one is watching. But the one that I like the most, and it applies to Larry, is what Wyoming Senator Allan Simpson said. He said, "With integrity, if you have it, nothing else matters, and if you don't have it, nothing else matters." Madame Speaker, I have to tell you this. This gentleman is the epitome of integrity. I've known him for a while. I got to know him when I was in the Legislature a few years ago, and I'm just honored to call him my friend. So Madame Speaker, if you will allow me, can I call on the gentleman one last time?"

Mr. Speaker (Representative Orwall presiding) "Please proceed."

Representative Lovick: "The gentleman from the 8th District, Representative Haler. I salute you sir, you are the integrity of the House. Thank you."

Representative Schmick: "Thank you Madame Speaker. I've been here a few years. And one of the joys I've had is getting to know Larry. And I want to call him by Larry. We do a lot of stuff together in district, and I think the most important thing I can say, Larry's my friend, and that means a lot because often times when you're in Olympia, you don't have a lot of friends but Larry's one. They often say if you want a friend in Olympia, get a dog. Well don't need a dog, got Larry. Now, I know that sounds bad but. Now I've learned more about nuclear power than I've ever wanted to know and yet we've toured the reactor and we've gone out there and I know that Rep Haler, Larry's given tours for many years but he's not told me where the Oh Crap button is at that nuclear reactor. And I know they've got it but they've got it hid and I'd like to know where that is. Now as you leave us Larry, I'd have to say though, I think you're a bit accident prone. I can remember a situation when I think you broke your neck, yeah, and the brace, and I asked how you did that and you told me and I thought, oh Larry. So as you go home and be with your lovely bride and do the traveling that you want, be careful, please be careful. But most of all, I do want to say, it's been an honor to serve you and you are my friend. You always will be. Thank you for your years of service."

Representative Hansen: "Thank you Madame Speaker. So I am very sad to be losing the gentleman from the 8th District. He was my ranking member of the House Higher Education Committee and I know it's the tradition of the House to call people 'the gentleman from the so-and-so' there's probably no one in this chamber to whom the word 'gentleman' is more properly applied than the gentleman from the 8th District. I figured that out pretty quick but then our former colleague, now the Senator from the 25th, told me that. He's like 'Yeah, you know, Larry is a gentleman. He is courteous, he is respectful, you can trust him 100%. If he gives you his word he is always good for it, even if it becomes difficult at a later stage and you know, as you heard

in his biography, he's also very very Lutheran. I also am Lutheran, although I'm Lutheran the way C.S. Lewis was like Anglican, like, the gospel is preached in the Lutheran church that I go to so I'm good with it. You know, I could easily be something else. That is not our colleague. Our colleague is like, deeply Lutheran. Like, Lutheran to his core. Like Lutheran schools, Lutheran boards, his wife teaches Lutheran yoga. You guys didn't know that? Well let me tell you, we ran a yoga bill through House Higher Ed today, or this year so you would know that. So the gentleman, so there's something about the Lutheran faith, though, that's important to the gentleman's politics which is namely it's deeply democratic in nature, and I don't mean that in a 'our side of the aisle' democratic sense, I mean that in the sense that everyone having access to the revelation of god. Everyone having access to the scriptures, and there is a famous performer who translated the bible who there was someone giving him a hard time about making the bible more accessible. He got really mad. He said 'Sir, I will see to it that the boy who driveth the plow, knows more scripture than thou dost.' And I mentioned that because it goes to something about the gentleman's values. That if you look at the issues that he's driven forwards, I'll stick with the higher education ones because those are the ones I know the best, they go to that deep sense of giving everyone a shot. Everyone an opportunity, whether that is expanding financial aid, or expanding college opportunities for people who are spending time in prison, or House Bill 2143 that we recently passed, that helps people without a lot of money, go on to become medical doctors or advanced nurse, or have advanced degrees in nursing. He very strongly to his core believes in this democratic sense of giving everyone a chance to succeed, and that's not really democratic on 'this side of the aisle' sense, that's democratic from the sense of this country and what this country is about and it's really hard to loose him and we are going to miss him a lot and boy oh boy do I support this resolution, even though I wish I were not having to speak."

There being no objection, HOUSE RESOLUTION NO. 4685 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4689, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, It is the policy of the Washington State House of Representatives to recognize the achievements and dedication of elected officials representing Washington state; and

WHEREAS, Representative Terry Nealey, the son of the late Representative Darwin Nealey who served the 9th Legislative District, learned the importance of public service from a young age; and

WHEREAS, Representative Terry Nealey is a graduate of Washington State University and Gonzaga Law School and served his country in the United States Army; and

WHEREAS, Representative Terry Nealey served as Columbia County prosecuting attorney and coroner; and

WHEREAS, Representative Terry Nealey saw the need for change in state government, especially with a growing operating budget he felt needed better management, so he decided to run for the Legislature; and

WHEREAS, Representative Terry Nealey was elected to the House of Representatives in 2009 for the 16th Legislative District and has served with distinction and honor for eight-plus years; and

WHEREAS, Representative Terry Nealey was appointed in 2012 as ranking Republican on the House Finance Committee and in 2013 as a member of the Washington State Economic and Revenue Forecast Council, and has been a watchdog for Washington taxpayers; and

WHEREAS, Representative Terry Nealey has a strong history of community involvement, including the creation of the Columbia County Economic Development Committee and serving on the board of directors for the Blue Mountain Community Foundation; and

WHEREAS, Representative Terry Nealey played a key role in the renovation of the Columbia County courthouse and together with his former law firm partner, Scott Marinella, donated the Liberty Theater in Dayton to the Touchet Valley Arts Council; and

WHEREAS, Representative Terry Nealey and his twin brother, Ted Nealey, share the love of basketball and together, won the gold medal in the 2007 National Senior Games basketball championship and the silver medal in the 2010 Pan American basketball games; and

WHEREAS, Representative Terry Nealey has announced his intention to retire from the Legislature at the end of his term in January 2019 so he can spend more time with his wife, Jan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Representative Terry Nealey for his years of dedicated service, his personal and professional integrity, and representing the citizens of the 16th District with honor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Representative Terry Nealey.

Representative Jenkin moved adoption of HOUSE RESOLUTION NO. 4689

Representative Kirby “Thanks again, Madame Speaker. You know, Representative Nealey started nine years ago. I wasn’t here. All of you or a lot of you were able to experience his life, and I’m sure you learned a lot from him because I certainly have. A few things about Terry that I would like to mention personally in what I’ve found about him. He is the most patient person, I mean, could you imagine having to mentor somebody like me that has no policy experience coming in, a community guy? But Terry was able to do it. I don’t know how well but he was able to try. Terry also, other than his patience, and we all know his patience – we’ve seen it, is his thoughtfulness. He thinks everything through, everything. It’s almost intimidating but he does. He’s also extremely persuasive. We’ve all seen him at work and we’ve all seen him at policy and he’s been able to accomplish so much because of his persuasiveness and I imagine practicing law had something to do with that. But it certainly has shone a shining light in the short time that I have been here with this body. And a few other words, but this word right here really sticks out, especially within our district and everybody that he comes in contact with, Terry is so respected. He’s the epitome of respect. People in the district, they, he’s gonna be tough shoes to follow, let me tell you. He’s also, probably the biggest family man I know. Terry and his family, they’re one, and that’s just the way it is. He’s always talking of family, he’s got pictures of the family, you know, he’s very proud of all of them, his father being a former legislator but with all that, one thing that Terry is doing right now, I truly believe that he’s leaving the legislature at the top of his game. We all know that he’s got game, that he’s a heck of a basketball player and, you’re at the top of your game and you’re leaving the Legislature, we’re going to miss you but Jan and your family are going to be able to have you primarily to themselves and you’ll be able to enjoy life and that’s what you need right now, Terry. Thank you so much for giving us so much of your life to this point. Thank you.

Representative Lytton: “Thank you Madame Speaker. So Terry, I want to thank you too. It has been an honor to serve with you. It has been fun serving with you on the Finance committee. When I think of the word honorable, I immediately think of you and you know we have a lot of strong personalities on that Finance committee where we have to talk about some pretty tough topics around taxes and it has been fun serving with you and when you came over here to tell me that you were retiring, you know the first thing I thought of, the stories you told me about your wonderful family and your wife and you know you and I both have looked forward to traveling with our spouses and to hear some of the stories of your family and as you walked away all I could think is go ahead and leave me with all these crazy people. And so, thanks Terry. It has been fun. Your personality is very similar to the personality I’ve told you about, of my engineering husband and sons and so I’ve enjoyed the dryness sometimes of your personality, I can totally relate, but I can’t thank you enough for your service and even though politically, we are very far apart, we have some things that unite us and that’s our love of our family

and I wish you the best of luck, much joy and happiness with your family and hope you get to do many many fun trips. So enjoy.”

Representative Smith: “I’ve already started crying, so that’s not good, but at my age, I get a free pass on that. Representative Terry Nealey, what an honor it is to stand and honor you and your service here. In this House, for the people of Washington state, you have touched every person in this state with your thoughtfulness, your commitment to excellence and to good public policy, and I think it’s important to note that Terry often looks pretty quiet over there but he has a sense of humor and I’m going to screw this up because I can’t quite remember the story but it had something to do with, I don’t know, we were burning marijuana and people were worried about birds and the famous quote from Representative Nealey about no Tern left unstoned. So, I want you to know that Terry Nealey has come along side, I know in my own life and in other’s lives in times of crisis and not just focused on the policy and the work we do here, but have helped us individually through really tough times. Times that he doesn’t share, no one knows about and I know that there’s a bunch of us in here who have been blessed by your thoughtfulness and your kindness and your solid advice. But, there’s something more import about Representative Terry Nealey and that is his love of God, his faith, and his love of family. The scriptures teach us that there is no greater love than to love God and to love our neighbors and if I may, in Corinthians 13 part of the verses about love say this: *Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It does not dishonor others, it is not self seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.* Representative Terry Nealey, you have lived that out among us. Your love of God, your love of neighbor, your love of Jan, your love of family and we thank you for that example and we thank you that as you go back into your community we know you’re going to continue to live out that light. God bless you.”

Representative Hansen: “Thank you Madame Speaker. You can guess how well my week is going by the fact that I have to do two of these tonight. When the lady from the 41st announced her retirement, I about died. I knew these two were retiring and it’s not ok at all, just for the record. Everyone’s talking about how much the gentleman loves his family and I know he does, but I have a great solution to this problem. Many of you maybe saw when the gentleman’s twin brother came to visit. Ok so that’s the freakiest thing I’ve ever seen – did you see them together? The gentleman’s twin can go play with the grand nieces and grand nephews and whatnot and the gentleman can come back and join us, and his wife can come with him and we won’t tell anyone. Maybe then everyone kind of gets what they want except for you maybe because I know you want to be with your grand nieces and grand nephews. I got to know my colleague from the 15th some years ago when we were working on a pretty complicated estate tax issue. We were on opposite sides of our, we were sort of the respective negotiating leads and it was super complicated. He was a lawyer and I am a lawyer

and it’s nice to talk to someone from your own professional guild because you can speak in terms that you both immediately understand and others don’t. We didn’t sort of reach agreement but we got to where we understood where each other was coming from and we could say ‘Ok, I get it, you could be right...I know you get it, you could be right’ and sort of move on. This was great. That was my first introduction to what a lot of you, I think, know pretty well and then a year or two after that, the gentleman really went out of his way to help me with a very very tricky, complicated bill with many moving parts and he kind of went above and beyond and helped me jam it free at a couple of key moments. We made visits to the other chamber to talk to people together and he was just fabulous. I just really valued from that experience his very pragmatic, common-sense orientation. He is very practical, he is about finding an answer that makes sense so we can move forward, and not doing something super ideological one way or the other. This is a real sad one because I know all of our offices are a team, and I think my colleague’s is that and then some. His legislative assistant will also be leaving as I’ve learned. Maybe fewer people know his legislative assistant than know my colleague but she is truly fabulous. She is smart, she is politically savvy, a heart as big as the world, so losing both of them at once is really quite a blow. Just to close on a personal note, echoing something that my colleague from the 10th District said. The gentleman from the 10th, my colleagues and others meet every Tuesday for this prayer fellowship meeting which is both chambers – House and Senate, it’s bipartisan, at least it’s supposed to be bipartisan. It’s usually like 15 Republicans and me, although that’s changing – my colleague right there has been coming lately so that’s great – we’re on the move here. Because of that, we got to know each other in a different way and I’ll tell you I’ve been blessed with many policy partners, from that side of the aisle that I’ve been able to work with on a lot of different issues. There’s a pretty short list of people I would just grab when I needed somebody to pray for me and the gentleman is one of them and I’ve done that and because it’s Terry Nealey, when he tells you he will do something, you know he will do it. I really appreciate that and I’m really going to miss him and I wish he’d stay with us forever, thank you.”

Representative Klippert: “Thank you Madame Speaker. Sorry for being late jumping up, just wanted to give someone else a chance. I love the man that sits to your right very deeply. He and his wonderful wife have become deep and dear friends to my family. He probably never wants to have anything to do with myself and cars ever again. When we first ran for these positions we hold now, we shared a ride from eastern Washington to here and on the way back he said, “Hey, do you mind driving?” and I said “Hey, not at all. Have you ever gone White Pass?” because I like to drive slow and easy and I think maybe that’s not the case for the good gentleman. And so, I took White Pass and it was like Driving Miss Daisy with me and I could tell that he was wanting to increase the acceleration a little bit more than what I was driving. Then I bought a car over here at a used car dealership and called him and Jan and said “Hey, could you help me deliver this car back to eastern Washington?” “Oh Brad, not a problem, we could do that for you.” The

lights went out on the vehicle on Snoqualmie Pass when they drove home so she had to be his guiding light all the way home. Terry Nealey, I've had to guard you in basketball – the man has 10 years on me and it's very difficult to keep up with him. I couldn't give him an inch or he'd score on me every time. I know that he might want to know this, that your beloved cougars are currently defeating the nasty Oregon Ducks by 10 points in the PAC 12 championship right now so go Cougs."

Representative Dent: "Thank you Madame Speaker. This is an amazing institution. When I first arrived, the thing I remember most is that everyone I met on both sides of the aisle said "if you need anything, we're there for you, just ask. Terry did that too, but Terry gave me something that nobody else here has given me and I just have to say that Terry gave me a calmness. I can get wound up and I keep it to myself a lot. Sometimes I just go find Terry and visit with him a while, he didn't know that, but he would bring me back down and didn't even know it and for that I'm going to miss you Terry. You are an incredible man and I'm glad that we were able to have this time together. Good luck to you in the future and god bless you.

There being no objection, HOUSE RESOLUTION NO. 4689 was adopted.

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION & FIRST READING

SSB 5627 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Kuderer, Hunt, Saldaña and Keiser)

AN ACT Relating to the sale of manufactured/mobile home communities; and amending RCW 82.45.010.

Referred to Committee on Finance.

ESSB 6614 by Senate Committee on Ways & Means (originally sponsored by Senators Mullet, Rolfes, Dhingra and Frockt)

AN ACT Relating to funding for the support of common schools; amending RCW 84.52.065, 84.56.020, 84.52.080, and 43.79.496; adding a new section to chapter 84.56 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Finance.

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

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

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

SECOND READING

HOUSE BILL NO. 1054, by Representatives Harris, Cody, Orwall, DeBolt, Johnson, McBride, Clibborn, Short, Pettigrew, Robinson, Fey, Kilduff, Riccelli, Ryu, Nealey, Goodman, Tharinger, Stanford, Frame, Pollet, Jinkins, Haler, Kagi, Hargrove, Fitzgibbon, Appleton, Chapman, Senn, Bergquist, Gregerson, Young, Farrell and Slatter

Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made. Revised for 2nd Substitute: Protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1054 was read the second time.

With the consent of the house, amendment (806) was withdrawn.

Representative Stokesbary moved the adoption of amendment (833).

On page 9, after line 25, insert the following:

"**Sec. 10.** RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The liquor (~~(control)~~) and cannabis board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080(~~(+4)~~) and 82.24.500. The liquor (~~(control)~~) and cannabis board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of RCW 70.155.100.

(2) The liquor (~~(control)~~) and cannabis board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW

26.28.080(~~(+4)~~) and 82.24.500, a peace officer or enforcement officer of the liquor (~~(control)~~) and cannabis board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of (~~(eighteen)~~)twenty-one years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of (~~(eighteen)~~)twenty-one years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor (~~(control)~~)and cannabis board.

(4) The liquor (~~(control)~~)and cannabis board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) Enforcement officers of the liquor and cannabis board shall conduct regular efforts consistent with this section to prevent the purchase or possession of tobacco products by a nontribal member under the age of twenty-one years old who obtained those products at any place of business located on tribal land."

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

Correct the title.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (833) was not adopted.

Representative Taylor moved the adoption of amendment (961):

On page 9, after line 25, insert the following:

"NEW SECTION. Sec. 10. (1) This act does not apply in a county if any Indian tribe within that county sells or permits to be sold to any person who is eighteen years old or older any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or vapor product and no provision of this act may be enforced

and/or implemented in respect to such sales.

(2) For the purposes of this section, "Indian tribe" has the same meaning as provided in WAC 458-20-192."

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

Representative Taylor and Taylor (again) spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (961) was not adopted.

Representative Macri moved the adoption of amendment (1074):

On page 9, after line 25, insert the following:

"NEW SECTION. Sec. 10. In recognition of the sovereign authority of tribal governments, the governor may seek government-to-government consultations with Indian tribes regarding raising the minimum legal age of sale in compacts entered into pursuant to RCW 43.06.455, 43.06.465, and 43.06.466. The office of the governor shall report to the appropriate committees of the legislature regarding the status of such consultations no later than December 1, 2019."

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

Correct the title.

Representative Macri spoke in favor of the adoption of the amendment.

Representative Taylor spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

Amendment (1074) was adopted.

Representative Vick moved the adoption of the striking amendment (1455):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.28.080 and 2016 sp.s. c 38 s 1 are each amended to read as follows:

(1) ~~((Every))~~ A person who sells or gives, or permits to be sold or given, to any person under the age of ~~((eighteen))~~ nineteen years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

(2) It is not a defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) For the purposes of this section, "vapor product" has the same meaning as provided in RCW 70.345.010.

Sec. 2. RCW 70.155.005 and 1993 c 507 s 1 are each amended to read as follows:

(1) The legislature finds that chapter ..., Laws of 2018 (this act) furthers the public health, safety, and welfare by reducing youth access to addictive and harmful products.

(2) While present state law prohibits the sale and distribution of tobacco and vapor products to ~~((minors))~~ youth under the age of eighteen, youth obtain ~~((tobacco))~~ these products with ease. ~~((Availability and lack of enforcement put tobacco products in the hands of youth.))~~

(3) The legislature recognizes that many people who purchase cigarettes for minors are eighteen year old high school students. By decreasing the number of eligible buyers in high school, raising the minimum legal age to sell tobacco and vapor products will decrease the access of students to tobacco products. According to the 2014 healthy youth survey, forty-one percent of tenth graders say it is "sort of easy" to "very easy" to get cigarettes. Nationally, among youth who smoke, more than twice as many get their cigarettes from social sources than from a store or vending machine.

(4) The legislature recognizes that eighty percent of smokers start by the age of eighteen.

(5) The legislature recognizes that jurisdictions across the country are increasing the age of sale for tobacco products to nineteen.

(6) The legislature recognizes the national institute of medicine report predicted increasing the tobacco sale age will make the greatest difference among those ages fifteen to seventeen, who will no longer be able to pass for legal age and will have a harder time getting tobacco products from older classmates and friends.

(7) The legislature recognizes that reducing the youth smoking rate will save lives and reduce health care costs. Every year, two billion eight hundred ten million dollars in health care costs can be directly attributed to tobacco use in Washington. Smoking-caused government expenditures cost every Washington household eight hundred twenty-one dollars per year.

(8) Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

Sec. 3. RCW 70.155.010 and 2009 c 278 s 1 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 ~~((shall))~~ apply to this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor ~~((control))~~ and cannabis board.

(2) "Internet" means any computer network, telephonic network, or other electronic network.

~~((("Minor" refers to an individual who is less than eighteen years old.))~~

~~((4))~~ "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~((45))~~ (4) "Sampling" means the distribution of samples to members of the public.

~~((46))~~ (5) "Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010 ~~((41))~~ (21), except that for the purposes of RCW 70.155.140 only, "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one

thousand units weigh more than three pounds.

(6) "Vapor product" has the same meaning as defined in RCW 70.345.010.

Sec. 4. RCW 70.345.010 and 2016 1st sp.s. c 38 s 4 are each amended to read as follows:

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

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" means any person who:

(a) Sells vapor products to persons other than ultimate consumers; or

(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Minor" refers to an individual who is less than ~~((eighteen))~~ nineteen years old.

(11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(12) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(13) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(14) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(15) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(16)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(17) "School" has the same meaning as provided in RCW 70.140.020.

(18) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(19) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (19), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

Sec. 5. RCW 70.155.020 and 1993 c 507 s 3 are each amended to read as follows:

A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

(1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and

(2) Display a sign concerning the prohibition of tobacco sales to minors.

Such sign shall:

(a) Be posted so that it is clearly visible to anyone purchasing tobacco products from the licensee;

(b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE ((18)) 19 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER ((18)) 19, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED"; and

(c) Be provided free of charge by the liquor ((control)) and cannabis board.

Sec. 6. RCW 70.345.070 and 2016 1st sp.s. c 38 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who holds a retailer's license issued under this chapter must display a sign concerning the prohibition of vapor product sales to minors. Such sign must:

(a) Be posted so that it is clearly visible to anyone purchasing vapor products from the licensee;

(b) Be designed and produced by the department of health to read: "The sale of vapor products to persons under age ((eighteen)) nineteen is strictly prohibited by state law. If you are under age ((eighteen)) nineteen, you could be penalized for purchasing a vapor product; photo id required;" and

(c) Be provided free of charge by the department of health.

(2) For persons also licensed under RCW 82.24.510 or 82.26.150, the board may issue a sign to read: "The sale of tobacco or vapor products to persons under age ((eighteen)) nineteen is strictly prohibited by state law. If you are under age ((eighteen)) nineteen, you could be penalized for purchasing a tobacco or vapor product; photo id required," provided free of charge by the board.

(3) A person who holds a license issued under this chapter must display the license or a copy in a prominent location at the outlet for which the license is issued.

Sec. 7. RCW 70.345.100 and 2016 1st sp.s. c 38 s 19 are each amended to read as follows:

(1) No person may offer a tasting of vapor products to the general public unless:

(a) The person is a licensed retailer under RCW 70.345.020;

(b) The tastings are offered only within the licensed premises operated by the licensee and the products tasted are not removed from within the licensed premises by the customer;

(c) Entry into the licensed premises is restricted to persons (~~(eighteen)~~) nineteen years of age or older;

(d) The vapor product being offered for tasting contains zero milligrams per milliliter of nicotine or the customer explicitly consents to a tasting of a vapor product that contains nicotine; and

(e) If the customer is tasting from a vapor device owned and maintained by the retailer, a disposable mouthpiece tip is attached to the vapor product being used by the customer for tasting or the vapor device is disposed of after each tasting.

(2) A violation of this section is a misdemeanor.

Sec. 8. RCW 70.155.030 and 1994 c 202 s 1 are each amended to read as follows:

(1) No person shall sell or permit to be sold any tobacco product through any device that mechanically dispenses tobacco products unless the device is located fully within premises from which (~~(minors)~~) persons under the age of nineteen are prohibited or in industrial worksites where (~~(minors)~~) persons under the age of nineteen are not employed and not less than ten feet from all entrance or exit ways to and from each premise.

(2) The board shall adopt rules that allow an exception to the requirement that a device be located not less than ten feet from all entrance or exit ways to and from a premise if it is architecturally impractical for the device to be located not less than ten feet from all entrance and exit ways.

Sec. 9. RCW 70.155.120 and 2016 1st sp.s. c 38 s 2 are each amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520, 82.24.530, 82.26.160, and 82.26.170 and funds collected by the liquor and cannabis board from the imposition of monetary

penalties shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco and vapor products prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the liquor and cannabis board to pay the costs incurred, up to thirty percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products and vapor products are available to individuals under the age of (~~(eighteen)~~) nineteen. The agreements shall also set forth requirements for data reporting by the liquor and cannabis board regarding its enforcement activities.

(4) The department of health, the liquor and cannabis board, and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth.

NEW SECTION. **Sec. 10.** This act takes effect January 1, 2019.

NEW SECTION. **Sec. 11.** 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."

Representative Manweller moved the adoption of amendment (834) to the striking amendment (1455):

On page 9, after line 27 of the striking amendment, insert the following:

"Sec. 10. RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The liquor ~~((control))~~ and cannabis board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080~~((4))~~ and 82.24.500. The liquor ~~((control))~~ and cannabis board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of RCW 70.155.100.

(2) The liquor ~~((control))~~ and cannabis board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080~~((4))~~ and 82.24.500, a peace officer or enforcement officer of the liquor ~~((control))~~ and cannabis board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of ~~((eighteen))~~ nineteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of ~~((eighteen))~~ nineteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor ~~((control))~~ and cannabis board.

(4) The liquor ~~((control))~~ and cannabis board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) Enforcement officers of the liquor and cannabis board shall conduct regular efforts consistent with this section to prevent the purchase or possession of tobacco products by a nontribal member under the age of nineteen years old who obtained those products at any place of business located on tribal land."

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

Correct the title.

Representative Manweller spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (834) to the striking amendment (1455) was not adopted.

Representatives Vick and Stokesbary spoke in favor of the adoption of the striking amendment.

Representatives Pollett and Harris spoke against the adoption of the striking amendment.

Amendment (1455) was not adopted.

The bill was ordered engrossed.

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

Representatives Harris, Orwall, Haler, Kraft, Riccelli, Johnson, Cody, Nealey, Fey and Eslick spoke in favor of the passage of the bill.

Representatives Vick, Stambaugh and Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1054.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Klippert, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Ryu, Sawyer, Sells, Senn, Slatter, Smith, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Buys, Caldier, Chandler, Dent, Dye, Griffey, Harmsworth, Hayes, Holy, Irwin, Jenkin, Kirby, Kloba, MacEwen, Manweller, McCaslin, Orcutt, Pike, Reeves, Rodne, Santos, Schmick, Shea, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 1054.

Representative Santos, 37th District

With the consent of the House, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1054 was immediately transmitted to the Senate.

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

THIRD READING

MESSAGE FROM THE SENATE

March 6, 2018

Mr. Speaker:

The President ruled that the House amendment 6241-S.E AMS CODY MORI 142 to ENGROSSED SUBSTITUTE SENATE BILL NO. 6241 to be beyond scope & Object of the bill. The Senate refuses to concur in said amendment and asks the House to recede therefrom. The Senate did not consider amendment 6241-S.E AMS CODY MORI 142 to ENGROSSED SUBSTITUTE SENATE BILL NO. 6241.

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6241.

Representative Cody spoke in favor of the passage of the bill.

Representatives Schmick and Manweller spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins,

Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6251, having received the necessary constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

March 7, 2018

Engrossed House Bill No. 2519

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2519, , addressing concealed pistol license eligibility, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment S-6165.1 be adopted.

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.345 and 2015 c 130 s 2 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody

or otherwise prohibited from being released; and

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If a family or household member has requested to be notified pursuant to RCW 9.41.340, a law enforcement agency must:

(a) Provide notice to the family or household member within one business day of verifying that the requirements in subsection (1) of this section have been met; and

(b) Hold the firearm in custody for seventy-two hours from the time notification has been provided.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to or impounded by the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 2. RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification

card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

A photograph of the applicant may be required as part of the application and printed on the face of the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) (a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of

renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or

assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 9.41.345; and reenacting and amending RCW 9.41.070."

Senators Dhingra and Pedersen
Representatives Jinkins and Lovick

There being no objection, the House adopted the conference committee report on ENGROSSED HOUSE BILL NO. 2519 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Lovick and Hayes spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Rodne and Taylor spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2519 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2519, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Harmsworth, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet,

Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Harris, Holy, Jenkin, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, Orcutt, Pike, Rodne, Schmick, Shea, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative DeBolt.

ENGROSSED HOUSE BILL NO. 2519, as recommended by the conference committee, having received the constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 8, 2018, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

Draft

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