

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 25, 2016

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Naval Hospital Bremerton Color Guard, comprised of Hospital Corpsman 3<sup>rd</sup> Class Dominique Nezey, Hospital Corpsman 3<sup>rd</sup> Class Kyle Wilson, Hospital Corpsman 3<sup>rd</sup> Class Carlos Rangel and Hospitalman Daniel Scott. The National Anthem was performed by Musician 1<sup>st</sup> Class Mallory McKendry. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Lieutenant Commander Bill Stewart, Chaplain, Navy Region Northwest accompanied by the brass quartet from Navy Band Northwest, comprised of Musician 1<sup>st</sup> Class Chris Hodges, Musician 1<sup>st</sup> Class Aaron Deaton, Musician 2<sup>nd</sup> Class James Choate and Musician 3<sup>rd</sup> Class Ben Dixon, performing "Eternal Father".

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4670, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, Washington state is uniquely positioned politically, economically, and geographically to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, The United States Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has been a presence in Puget Sound for 175 years, and Puget Sound is today the Navy's third largest fleet concentration area; and

WHEREAS, Washington Navy bases support two aircraft carriers, more than 13 surface ships, 13 submarines, 92 support vessels, and 115 aircraft; and

WHEREAS, Washington state and the Pacific Northwest are home to 31,000 active duty Navy service members, 15,000 Navy civilian employees, 2,400 drilling Naval reservists, 40,000 Navy family members, and 55,000 Navy retirees; and

WHEREAS, United States Navy installations provide careers and economic stability to tens of thousands of Washington state citizens; and

WHEREAS, The Puget Sound area has four shore installations: Naval Station Everett, Naval Air Station Whidbey Island, Naval Magazine Indian Island, and Naval Base Kitsap; and

WHEREAS, Navy personnel provide homeland security, disaster assistance, and rescue services to Washington state citizens; and

WHEREAS, The United States Navy is a recognized leader in environmental stewardship and responsibility and takes an active role in protecting and conserving Washington state's waterways and military lands;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives recognize and express its utmost appreciation to all those who have ever served in the United States Navy, as well as extend our gratitude to their family members and friends, who have shared their sacrifices as they answer the call to serve; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives celebrate the Navy in our state and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Representative Appleton moved adoption of HOUSE RESOLUTION NO. 4670

Representatives Appleton, Hayes and Magendanz spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4670 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) introduced the Honorable Dennis McGinn, Assistant Secretary of the Navy for Energy Installations and Environment, and Rear Admiral Jeff Ruth, Commander, Navy Region Northwest to the Chamber and asked the members to acknowledge them.

The Speaker (Representative Moeller presiding) further recognized the delegation of Navy leadership comprised of the commanding officers of all the Puget Sound Naval bases and facilities.

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

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

## SECOND READING

### HOUSE BILL NO. 2376, by Representatives Dunshee and Chandler

#### Making 2016 supplemental operating appropriations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2376 was substituted for House Bill No. 2376 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2376 was read the second time.

With the consent of the house, amendments (824), (816), (819), (840), (817), (860), (869), (870) and (832) were withdrawn.

Representative Taylor moved the adoption of amendment (846):

On page 2, after line 14, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: The legislature intends to study the feasibility of acquiring certain federal lands for possible inclusion in various trust lands managed by the department of natural resources. The study should address issues including the potential costs to the state of land management related to wildfires, forest health, invasive species management, and public access; potential revenues to the state from timber cut-rates, mineral lease revenues, recreation and grazing fees, permanent common school account investment income and other sources; and the estimated impact of the state selling all newly acquired federal lands and all existing state-owned public lands. Research required by house of representatives in conducting study of the feasibility shall be provided by the office of program research within existing resources, in coordination with research conducted by senate committee services for the senate under section 102 of this act."

On page 2, after line 28, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: The legislature intends to study the feasibility of acquiring certain federal lands for possible inclusion in various trust lands managed by the department of natural resources. The study should address issues including the potential costs to the state of land management related to wildfires, forest health, invasive species management, and public access; potential revenues to the state

from timber cut-rates, mineral lease revenues, recreation and grazing fees, permanent common school account investment income and other sources; and the estimated impact of the state selling all newly acquired federal lands and all existing state-owned public lands. Research required by senate in conducting study of the feasibility shall be provided by senate committee services within existing resources in coordination with research conducted by the office of program research for the house of representatives under section 101 of this act."

Representative Taylor and Taylor (again) spoke in favor of the adoption of the amendment.

Representative Lytton spoke against the adoption of the amendment.

## MOTION

On motion of Representative Van De Wege, Representative Hunt was excused.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (846) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Young moved the adoption of amendment (865):

On page 2, line 33, increase the general fund-state appropriation for fiscal year 2017 by \$25,000

On page 2, line 37, correct the total.

On page 4, after line 21, insert the following:

"(7) \$25,000 of the general fund-state appropriation for fiscal year 2017 is provided solely to the joint legislative audit and review committee to conduct a study to determine the feasibility and potential benefit of offering a tax credit for persons that publish or create open source instructional materials to be used by students attending private or public institutions of higher education. The committee shall report to

the appropriate committees of the legislature by December 31, 2016 on its findings and recommendations."

Representative Young spoke in favor of the adoption of the amendment.

Representative Lytton 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 (865) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Parker moved the adoption of amendment (872):

On page 4, after line 21 insert the following:

"(7) The committee shall complete a one year study of the fiscal impact of the Washington Administrative Code 162-32-060. The study shall include:

(a) The fiscal impact on businesses for implementation; and

(b) The fiscal impact on the Human Rights Commission for investigation and enforcement.

A report on the results of the study with any findings and recommendations shall be presented to the appropriate fiscal committees of the legislature by November 1, 2017."

On page 122, line 37, after "limitations:" insert the following:

"(1)"

On page 123, line 2, after line 2 insert the following:

"(2)(a) The Human Rights Commission must complete a fiscal analysis of anticipated annual costs for enforcement of Washington Administrative Code 162-32-060 in all affected locations for the current and subsequent biennia.

(b) The fiscal analysis must be provided to the office of financial management, the appropriate fiscal committees of the legislature, and to legislative staff within 5 business days of the effective date of this act."

Representatives Parker and Short spoke in favor of the adoption of the amendment.

Representative Jinkins 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 (872) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Kretz moved the adoption of amendment (873):

On page 12, line 20, increase the general fund-state appropriation for fiscal year 2017 by \$143,195

On page 12, line 24, correct the total.

On page 12, line 30, after "and" strike "\$462,000" and insert "~~(\$462,000)~~ \$605,195"

On page 12, line 34, after "initiative." Insert "Of the amounts provided in this subsection, \$143,195 of the general fund-state appropriation for fiscal year 2017 is provided solely for the expansion of the parents representation program into Okanogan county."

Representatives Kretz and Hudgins spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (873) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi,

Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Jinkins moved the adoption of amendment (858):

On page 14, line 37, after "section 4(1)(b) of" insert "Substitute"

On page 71, line 37, after "Pursuant to" insert "Substitute"

On page 77, line 32, after "pursuant to" insert "Substitute"

On page 77, line 33, after "section 6 of" insert "Substitute"

On page 78, line 7, after "section 6 of" insert "Substitute"

On page 78, line 11, after "section 2 of" insert "Substitute"

On page 79, line 36, after "to section" strike "1(4)(a) of" and insert "4(1)(a) of Substitute"

On page 80, line 18, after "to section" strike "1(4)(c) of" and insert "4(1)(c) of Substitute"

On page 273, line 11, after "pursuant to" insert "Substitute"

Representative Jinkins spoke in favor of the adoption of the amendment.

Amendment (858) was adopted.

Representative MacEwen moved the adoption of amendment (818):

On page 24, line 30, decrease the general fund-state appropriation for fiscal year 2017 by \$50,000

On page 25, line 37, correct the total.

On page 33, beginning on line 13, after "(36)" strike all material through "(37)" on line 22

Renumber remaining subsections.

Representative MacEwen spoke in favor of the adoption of the amendment.

Representative Tharinger 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 (818) 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, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Ormsby moved the adoption of amendment (876):

On page 44, line 13, reduce the public service revolving account-state appropriation by \$1,293,000

On page 44, line 15, increase the pipeline safety account-state appropriation by \$1,293,000

Representative Ormsby spoke in favor of the adoption of the amendment.

Amendment (876) was adopted.

Representative Wilson moved the adoption of amendment (852):

On page 45, line 18, increase the general fund-state appropriation for fiscal year 2016 by \$1,244,000

On page 45, line 35, correct the total.

On page 47, after line 20, insert the following:

"(10) \$1,244,000 of the general fund-state appropriation for fiscal year 2016 is provided solely for the department to provide security guards, soft body armor, and portable ballistic barrier panels, for stand-alone facilities and recruiting centers."

Representatives Wilson and Kilduff spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (852) and the amendment was adopted by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer,

Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Voting nay: Representatives Cody, Jinkins, McBride, Moeller, Ormsby, and Senn

Excused: Representative Hunt.

Representative MacEwen moved the adoption of amendment (856):

On page 45, line 20, increase the general fund-state appropriation for fiscal year 2017 by \$125,000

On page 45, line 35, correct the total.

On page 47, after line 20, insert the following:

"(10) \$125,000 of the general fund-state appropriation for fiscal year 2017 is provided solely for the military department to raise awareness within the state about the history and commissioning of the USS Washington. In designing the public awareness campaign, the department must partner with other public or private organizations with specific expertise on the USS Washington."

Representative MacEwen 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 (856) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Harris moved the adoption of amendment (815):

On page 69, line 21, increase the general fund-state appropriation for fiscal year 2017 by \$2,000,000

On page 69, line 23, increase the general fund-federal appropriation by \$2,000,000

On page 69, line 30, correct the total

On page 75, line 11, after "(s)" strike "\$7,615,000" and insert "\$9,615,000"

On page 75, line 12, after "year 2017 and" strike "\$7,615,000" and insert "\$9,615,000"

Representative Harris spoke in favor of the adoption of the amendment.

Representative Cody 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 (815) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Kochmar moved the adoption of amendment (871):

On page 80, line 32, increase the general fund--state appropriation for fiscal year 2016 by \$115,000

On page 80, line 34, increase the general fund--state appropriation for fiscal year 2017 by \$460,000

On page 80, line 36, increase the general fund--federal appropriation by \$366,000

On page 81, line 1, correct the total.

On page 84, after line 32, insert the following:

"(q) \$115,000 of the general fund--state appropriation for fiscal year 2016, \$460,000 of the general fund--state appropriation for fiscal year 2017, and \$366,000 of the general fund--federal appropriation are provided solely for the development and implementation of community respite beds."

Representatives Kochmar and Kilduff spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (871) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Schmick moved the adoption of amendment (830):

On page 81, line 23, strike "~~(\$106)~~ §147" and insert "\$106"

On page 81, line 26, strike "~~(\$359)~~ §429" and insert "\$359"

On page 86, line 32, decrease the general fund-federal appropriation by \$1,566,000

On page 86, line 34, decrease the general fund-private/local appropriation by \$2,544,000

On page 87, line 3, correct the total

On page 89, line 30, strike "~~(\$106)~~ §147" and insert "\$106"

On page 89, line 32, strike "~~(\$359)~~ §429" and insert "\$359"

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (830) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso,

Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Stokesbary moved the adoption of amendment (834):

On page 86, line 3, after "planned respite beds" strike "at Yakima valley school" and insert "to be distributed by the department of social and health services to one or more residential habilitation centers"

Representatives Stokesbary and Kagi spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (834) and the amendment was adopted by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chopp, Clibborn, Cody, Condotta, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Voting nay: Representatives Chandler, DeBolt, Dent, Klippert, Ryu, Shea, and Taylor

Excused: Representative Hunt.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (834) to Substitute House Bill No. 2376.

Representative Johnson, 14th District

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (834) to Substitute House Bill No. 2376.

Representative McCabe, 14th District

Representative Schmick moved the adoption of amendment (829):

On page 89, after line 8, insert the following:

"(h) Beginning July 1, 2016, a nursing home provider's direct care rate shall be set so that it does not exceed one hundred and eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in chapter 74.42.360(2) RCW."

On page 95, after line 28, insert the following:

"(21) \$3,041,000 of the general fund-state appropriation for fiscal year 2017 and \$3,041,000 of the general fund-federal appropriation are provided solely to exempt the five highest acuity resource utilization group categories (PC2 through PE2) from the adjustment to case mix index under chapter 74.46.485 RCW. Nursing homes shall notify the department's nursing facility case manager's program manager within 30 days of a medicaid resident being identified in one of the five lowest resource utilization group categories (PA1 through PC1) as qualified for an alternative community placement. The department's nursing facility case manager shall identify within 30 days of notification whether an alternate placement is available. Nursing homes shall work collaboratively with the state case worker to transfer into the community at least ninety-six residents who have been assessed in the five lowest acuity resource utilization group categories (PA1 through PC1). For the first two quarters of fiscal year 2017, the downward adjustment shall be no greater than thirteen percent. If, after the first two quarters of fiscal year 2017, the department determines that nursing homes are not making sufficient progress towards moving ninety-six residents from the five lowest resource utilization group categories (PA1 through PC1) into the community, the department is authorized to increase the downward adjustment to no greater than twenty percent for the lowest four resource utilization group categories (PA1 through PB2)."

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (829) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Kagi moved the adoption of amendment (833):

On page 100, line 26, increase the criminal justice treatment account-state appropriation by \$1,000,000

On page 100, line 33, correct the total appropriation

On page 280, line 4, after "an amount not" insert "less than \$8,216,000, and not"

Representative Kagi spoke in favor of the adoption of the amendment.

Amendment (833) was adopted.

Representative Taylor moved the adoption of amendment (841):

On page 110, line 1, decrease the general fund--state appropriation for fiscal year 2017 by \$5,532,000

On page 110, line 21, correct the total.

On page 119, after line 24, insert the following:

"(mm) The authority may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgment of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

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

On page 129, line 20, increase the general fund--state appropriation for fiscal year 2017 by \$5,532,000

On page 130, line 23, correct the total.

On page 135, after line 10, insert the following:

"(21) The department may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgment of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

"(22) \$5,554,000 of the general fund--state appropriation for fiscal year 2017 is provided solely to support organizations that provide breast and cervical cancer screening at the county level. None of these amounts may be provided to organizations that perform abortions."

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

Representatives Taylor, Stambaugh and Walsh spoke in favor of the adoption of the amendment.

Representatives Robinson and Magendanz 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 (841) 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, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (842):

On page 119, after line 24, insert the following:

"(mm) The authority shall collect data and report annually to the department of health on the number of abortions that it paid for and the age and ethnicity of the patients."

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

On page 135, after line 10, insert the following:

"(21) The department shall collect data and report annually on the number of state funded abortions and the age and ethnicity of the patients."

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

Representatives Taylor, Caldier and MacEwen spoke in favor of the adoption of the amendment.

Representative Ortiz-Self 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 (842) 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, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Shea moved the adoption of amendment (839):

On page 122, line 37, after "limitations:" insert the following:

"(1)

On page 123, line 2, after line 2 insert the following:

"(2) Amounts appropriated in this section may not be expended for enforcement of Washington Administrative Code 162-32-060 in K-12 public schools."

On page 185, after line 13 insert the following:

"(57) Amounts appropriated in Part V may not be expended for enforcement of guidelines 64 and 66 in part III of the guidelines developed pursuant to Washington Administrative Code 392-190-005 in K-12 public schools."

Representatives Caldier, Manweller and Shea spoke in favor of the adoption of the amendment.

Representatives Jinkins and Robinson 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 (839) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Hayes moved the adoption of amendment (831):

On page 123, line 18, increase the general fund-state appropriation for fiscal year 2016 by \$125,000



On page 123, line 20, increase the general fund-state appropriation for fiscal year 2017 by \$125,000

On page 123, line 30, correct the total.

Representative Hayes 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 (831) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Wilcox moved the adoption of amendment (877):

On page 124, beginning on line 3, after "~~activities~~)" strike all material through "management activities" on line 4

Representative Hayes 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 (877) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott,

Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Sells moved the adoption of amendment (827):

On page 126, on line 3, increase the accident account-state appropriation by \$1,395,000

On page 126, on line 6, increase the medical aid account-state appropriation by \$1,705,000

On page 126, on line 12, correct the total.

Representative Sells spoke in favor of the adoption of the amendment.

Amendment (827) was adopted.

Representative Wilcox moved the adoption of amendment (836):

On page 147, after line 25, insert the following:

"(c) Of the amounts provided in (a) of this subsection, \$250,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for processing water right permit applications only if the department of ecology issues at least two hundred and fifty water right decisions by December 1, 2016. If the department of ecology does not issue at least two hundred and fifty water right decisions by December 1, 2016, the amount provided in this subsection shall lapse and remain unexpended. The water right decisions in this subsection are in addition to the five hundred water right decisions in (b) of this subsection. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2017, that documents whether two hundred and fifty water right decisions were issued by December 1, 2016."

Representatives Taylor, Taylor (again) and Shea spoke in favor of the adoption of the amendment.

Representative Stanford 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 (836) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel,

Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Pike moved the adoption of amendment (875):

On page 149, after line 20, insert the following:

"(19) For the purposes of evaluating the requirements of RCW 70.95.290, the department, in consultation with the Washington materials management and financing authority, shall, within existing resources, report to the appropriate committees of the legislature on whether the department and Washington materials management and financing authority have utilized existing infrastructure for the collection of electronics. In its report, the department, in consultation with the Washington materials management and financing authority, must report on the location and number of new programs created and depot systems developed since 2006 for the purpose of collecting electronics, how many existing collections sites have been utilized, as well as how many curbside collection companies were contracted with for collection of electronics. The department must submit the report to the appropriate committees of the legislature no later than September 1, 2016."

Representatives Pike and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (875) was adopted.

Representative Van Werven moved the adoption of amendment (822):

On page 152, line 7, decrease the general fund--state appropriation for fiscal year 2017 by \$50,000

On page 152, line 13, correct the total.

On page 152, beginning on line 29, strike all of subsection (4)

On page 161, line 7, increase the general fund--state appropriation for fiscal year 2017 by \$50,000

On page 161, line 17, correct the total.

On page 162, after line 24, insert the following:

"(6) \$50,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for the farm to school program."

Representative Van Werven and Van Werven (again) spoke in favor of the adoption of the amendment.

Representative Hudgins 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 (822) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Haler moved the adoption of amendment (857):

On page 153, line 17, increase the general fund--state appropriation for fiscal year 2016 by \$1,036,000

On page 153, line 19, increase the general fund--state appropriation for fiscal year 2017 by \$1,037,000

On page 154, line 15, correct the total.

On page 156, after line 27, insert the following:

"(17) \$1,036,000 of the general fund--state appropriation for fiscal year 2016 and \$1,037,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for payments in lieu of property taxes under RCW 77.12.203."

On page 297, after line 13, insert the following:

**"Sec. 920.** RCW 77.12.203 and 2015 3rd sp.s. c 4 s 1 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat,

public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 (~~and 2015-2017 fiscal biennia~~) fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

**County**

Adams. . .	1,909
Asotin. . .	36,123
Chelan. . .	24,757
Columbia. . .	7,795
Ferry. . .	6,781
Garfield. . .	4,840
Grant. . .	37,443
Kittitas. . .	143,974
Klickitat. . .	21,906
Lincoln. . .	13,535
Okanogan. . .	151,402
Pend Oreille. . .	3,309
Yakima. . .	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas."

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

Correct the title.

Representatives Haler, Haler (again) Manweller and Shea spoke in favor of the adoption of the amendment.

Representative Ormsby and Ormsby (again) 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 (857) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen,

MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Dent moved the adoption of amendment (838):

On page 156, beginning on line 3, after "areas," insert "The department shall limit total expenditures related to fence repair and replacement to no more than \$15,000 per mile of fence."

Representatives Dent and Shea spoke in favor of the adoption of the amendment.

Representative Blake 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 (838) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Manweller moved the adoption of amendment (820):

On page 168, line 9, increase the general fund--state appropriation for fiscal year 2017 by \$4,200,000

On page 168, line 19, correct the total.

On page 175, line 31, after "~~(\$55,000)~~" strike "\$305,000" and insert "\$4,505,000"

On page 185, line 21, increase the general fund--state appropriation for fiscal year 2017 by \$16,800,000

On page 185, line 24, correct the total.

On page 192, line 7, after "~~(\$1,294.63)~~" strike "\$1,286.99" and insert "\$1,539.48"

On page 192, line 10, after "~~(\$1,455.99)~~" strike "\$1,447.40" and insert "\$1,731.45"

Beginning on page 268, line 31, strike all of section 708

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

Correct the title.

Representatives Manweller, Orcutt, Young, Van Werven and Orcutt (again) spoke in favor of the adoption of the amendment.

Representatives Sullivan and Reykdal 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 (820) and the amendment was not adopted by the following vote: Yeas; 48, Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Sullivan moved the adoption of amendment (848):

On page 182, line 20, after "for" insert "professional development,"

Representatives Sullivan and Magendanz spoke in favor of the adoption of the amendment.

Amendment (848) was adopted.

Representative Sullivan moved the adoption of amendment (849):

On page 198, beginning on line 37, strike "February 2, 2016, at 14:22 hours" and insert "February 24, 2016, at 12:29 hours"

Representative Sullivan spoke in favor of the adoption of the amendment.

Amendment (849) was adopted.

Representative Parker moved the adoption of amendment (874):

On page 210, line 9, increase the general fund--state appropriation for fiscal year 2017 by \$75,000

On page 210, line 13, correct the total.

On page 210, after line 37, insert the following:

"(4) \$75,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for the office of the superintendent of public instruction to contract with a nationally recognized lead nonprofit with expertise on school safety to provide training to each of the nine educational service districts on school safety and best practices in developing school safety plans.

Representatives Parker and Ormsby spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (874) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Magendanz moved the adoption of amendment (825):

On page 225, line 34, decrease the general fund--state appropriation for fiscal year 2016 by \$7,000

On page 225, strike all material on lines 35 and 36 and insert:

"(~~general fund state appropriation (FY 2017)...~~ \$336,000)"

On page 225, after line 38, insert the following:

"Opportunity Pathways Account--State  
Appropriation...\$973,000"

On page 25, line 2, correct the total.

On page 285, after line 25, insert the following:

"NEW SECTION. Sec. 909. RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for operating costs related to RCW 28A.710.070 (Washington charter school commission), programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), \*chapter 28B.101 RCW (educational opportunity grant), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW (Washington promise scholarship), chapter 43.215 RCW (early childhood education and assistance program), and \*\*RCW 43.330.280 (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)."

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

Correct the title.

Representatives Magendanz, Smith and Johnson spoke in favor of the adoption of the amendment.

Representative Springer 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 (825) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Stokesbary moved the adoption of amendment (835):

On page 228, line 35, increase the general fund-state appropriation for fiscal year 2016 by \$386,000

On page 228, line 37, increase the general fund-state appropriation for fiscal year 2017 by \$479,000

On page 229, line 6, correct the total.

On page 229, line 29, after "(4)" strike "\$16,672,000" and insert "~~(\$16,672,000)~~ \$17,058,000"

On page 229, line 30, after "and" strike "\$17,027,000" and insert "~~(\$17,027,000)~~ \$17,506,000"

On page 232, line 5, increase the general fund-state appropriation for fiscal year 2016 by \$411,000

On page 232, line 7, increase the general fund-state appropriation for fiscal year 2017 by \$3,103,000

On page 232, line 21, correct the total.

On page 233, line 16, after "(7)" strike "\$10,018,000" and insert "~~(\$10,018,000)~~ \$10,429,000"

On page 233, line 17, after "and" strike "\$34,053,000" and insert "~~(\$34,053,000)~~ \$37,156,000"

On page 235, line 9, increase the general fund-state appropriation for fiscal year 2016 by \$266,000

On page 235, line 11, increase the general fund-state appropriation for fiscal year 2017 by \$1,801,000

On page 235, line 16, correct the total.

On page 236, line 17, after "(7)" strike "\$8,714,000" and insert "~~(\$8,714,000)~~ \$8,980,000"

On page 236, line 18, after "and" strike "\$25,266,000" and insert "~~(\$25,266,000)~~ \$27,067,000"

On page 237, line 8, increase the general fund-state appropriation for fiscal year 2016 by \$39,000

On page 237, line 10, increase the general fund-state appropriation for fiscal year 2017 by \$527,000

On page 237, line 14, correct the total.

On page 237, line 37, after "(5)" strike "\$2,386,000" and insert "~~(\$2,386,000)~~ \$2,425,000"

On page 237, line 38, after "and" strike "\$9,171,000" and insert "~~(\$9,171,000)~~ \$9,698,000"

On page 238, line 9, decrease the general fund-state appropriation for fiscal year 2016 by \$17,000

On page 238, line 11, increase the general fund-state appropriation for fiscal year 2017 by \$194,000

On page 238, line 14, correct the total.

On page 238, line 32, after "(4)" strike "\$2,757,000" and insert "~~(\$2,757,000)~~ \$2,740,000"

On page 238, line 33, after "and" strike "\$10,632,000" and insert "~~(\$10,632,000)~~ \$10,826,000"

On page 242, line 14, increase the general fund-state appropriation for fiscal year 2016 by \$70,000

On page 242, line 16, increase the general fund-state appropriation for fiscal year 2017 by \$732,000

On page 242, line 20, correct the total.

On page 243, line 6, after "(4)" strike "\$3,656,000" and insert "~~(\$3,656,000)~~ \$3,726,000"

On page 243, line 7, after "and" strike "\$14,087,000" and insert "~~(\$14,087,000)~~ \$14,819,000"

Representatives Stokesbary, Wilcox, Stokesbary (again) and Zeiger spoke in favor of the adoption of the amendment.

Representative Hansen 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 (835) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative McBride moved the adoption of amendment (861):

On page 235, line 9, increase the general fund-state appropriation for fiscal year 2016 by \$75,000

On page 235, line 11, increase the general fund-state appropriation for fiscal year 2017 by \$175,000

On page 235, line 16, correct the total.

On page 237, after line 3 insert the following:

"(12) \$75,000 of the general fund-state appropriation for fiscal year 2016 and \$175,000 of the general fund-state appropriation for fiscal year 2017 are provided solely for the William D. Ruckelhaus Center to conduct a study regarding public records requests under Chapter 42.56 RCW of local agencies. The study shall include:

(a) The effects of local agencies adopting procedures limiting the time spent on responding to public records requests, and adopting procedures to prioritize records requests;

(b) Options for local agencies to more effectively respond to public records requests, including options for cost recovery mechanisms;

(c) The feasibility, cost effectiveness of, and potential funding sources for creating a public records commission with jurisdiction over disputes arising between local agencies and persons making public records requests; and

(d) Options regarding the jurisdiction, policies and procedures, and location of a public records commission.

A report on the results of the study with any findings and recommendations shall be presented to the appropriate fiscal and policy committees of the legislature by December 1, 2017."

Representatives McBride and Nealey spoke in favor of the adoption of the amendment.

Amendment (861) was adopted.

Representative Haler moved the adoption of amendment (826):

On page 242, line 16, increase the general fund state appropriation for fiscal year 2017 by \$250,000

On page 242, line 20, correct the total.

On page 243, after line 11, insert the following:

"(5) \$250,000 of the general fund state appropriation for fiscal year 2017 is provided solely for the endowment of the jaffee professorship in Jewish history and holocaust studies."

Representatives Haler and Senn spoke in favor of the adoption of the amendment.

Amendment (826) was adopted.

Representative Stambaugh moved the adoption of amendment (854):

On page 244, line 15, increase the general fund state appropriation for fiscal year 2016 by \$39,000

On page 244, line 17, increase the general fund state appropriation for fiscal year 2017 by \$191,000

On page 244, line 31, correct the total.

On page 250, after line 16, insert the following:

"(18) \$39,000 of the general fund state appropriation for fiscal year 2016 and \$191,000 of the general fund state appropriation for fiscal year 2017 is provided solely for the Washington open education pilot grant program. The council shall award up to one hundred grants per year to faculty members to develop or obtain open educational materials and resources. The council shall develop a process for review and selection of grant applications. In developing the pilot program, the council is encouraged to use the Massachusetts Amherst open education initiative and the California textbook affordability act as models. The council shall submit a report to the appropriate committees of the legislature by June 30, 2017. The report must include:

(a) An overview of how the program is being implemented;

(b) The number of faculty that applied for the grant and the number of faculty that received the grant;

(c) The courses and departments of the faculty members that received the grants; and

(d) The total cost savings to students and the cost savings per student enrolled in a course taught by a grant recipient."

Representative Stambaugh spoke in favor of the adoption of the amendment.

Representative Hansen 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 (854) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Manweller moved the adoption of amendment (821):

On page 273, after line 13, insert the following:

**"NEW SECTION, Sec. 720.** Because it is the paramount duty of the state to provide for the education of all its children, in the event of judicial action that interrupts public school funding or operations it is the intent of the legislature to ensure the continued operation of public schools and compensation of public school staff until such time as the legislature may come into special session and address the judicial ruling. If a judicial ruling orders the closure of the state's public schools or invalidates state appropriations for allocations to school districts, then the governor may direct the treasurer to authorize expenditures from the budget stabilization account by the superintendent of public instruction for allocation to public schools for the state's program of basic education under the formulas in RCW 28A.150.260."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Manweller and Shea spoke in favor of the adoption of the amendment.

Representative Sullivan 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 (821) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin,

Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (844):

On page 285, after line 14, insert the following:

**"NEW SECTION, Sec. 908.** The definition in this section applies throughout this subchapter unless the context clearly requires otherwise. "Extraordinary sensing device" means a sensing device attached to or used in conjunction with an aircraft that is operated without the possibility of human intervention from within or on such aircraft, together with its associated elements.

**"NEW SECTION, Sec. 909.** (1) No state agency or state organization including, but not limited to, the Washington state patrol and the department of natural resources, shall procure or contract for the use of an extraordinary sensing device except for the following allowable purposes:

(a) Monitoring to discover, locate, observe, and prevent forest fires;

(b) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(c) Surveying for wildlife management, habitat preservation, or environmental damage; and

(d) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.

(2) No local agency shall procure or contract for the use of an extraordinary sensing device except for the following allowable purposes:

(a) Monitoring to discover, locate, observe, and prevent forest fires;

(b) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(c) Surveying for wildlife management, habitat preservation, or environmental damage; and

(d) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.

**"NEW SECTION, Sec. 910.** Sections 908 through 910 of this act are each added to chapter 9.73 RCW under the subchapter heading "extraordinary sensing devices."

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 Lytton 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 (844) 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, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (845):

On page 297, after line 13, insert the following:

"**NEW SECTION. Sec. 920.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of a firearm sold or transferred between two unlicensed persons, as that term is defined in chapter 9.41.RCW.

**Sec. 921.** RCW 82.12.040 and 2015 c 169 s 9 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, must obtain from the department a certificate of registration, and must, at the time of making sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in \*RCW 82.04.050 (2) (a) or (g) or (6)(b), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section must be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. For the purposes of this chapter, the phrase "maintains in this state a place of business" includes the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to

require collection of tax under this chapter. The department must in rules specify activities which constitute engaging in business activity within this state, and must keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in \*RCW 82.04.050 (2) (a) or (g) or (6)(b), of his or her principals for use in this state, must, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose is deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter is deemed to be held in trust by the retailer until paid to the department, and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed is guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is nevertheless personally liable to the state for the amount of such tax, unless the seller has taken from the buyer a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter is guilty of a misdemeanor.

(5) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

(i) The storage, dissemination, or display of advertising;

(ii) The taking of orders; or

(iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(6) Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(7) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the person would



have been obligated to collect retail sales tax on the sale absent a specific exemption provided in chapter 82.08 RCW, and there is no corresponding use tax exemption in this chapter. Nothing in this subsection (7) may be construed as relieving purchasers from liability for reporting and remitting the tax due under this chapter directly to the department.

(8) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the state is prohibited under the Constitution or laws of the United States from requiring the person to collect the tax imposed by this chapter.

~~((9) Notwithstanding subsections (1) through (4) of this section, any licensed dealer facilitating a firearm sale or transfer between two unlicensed persons by conducting background checks under chapter 9.41 RCW is not obligated to collect the tax imposed by this chapter.))~~

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

Correct the title.

**POINT OF ORDER**

Representative Tarleton requested a scope and object ruling on amendment (845) to ESHB 2376.

**SPEAKER'S RULING**

Madam Speaker (Representative Orwall presiding): "Substitute House Bill No. 2376 is the supplemental operating budget bill. The bill makes changes to appropriation levels and fund transfers for the continued operation of state government and its various agencies and institutions for the remaining year of the 2015-17 biennium and includes provisos to condition, limit or earmark use of the appropriations.

Amendment (845) authorizes a tax exemption. Tax rates and preferences are a separate and distinct subject from appropriations.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken."

Representative Harmsworth moved the adoption of amendment (837):

On page 297, after line 13, insert the following:

"**Sec. 920.** RCW 82.08.832 and 1998 c 178 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of gun safes or firearm safety products.

(2) As used in this section and RCW 82.12.832((+));

(a) "Firearm safety product" means a device that, when installed on a firearm, is designed to prevent the unauthorized use or accidental discharge of the firearm without first removing or deactivating the device from the firearm; and

(b) "Gun safe" means an enclosure specifically designed or modified for the purpose of storing a firearm and equipped with a padlock, key lock, combination lock,

or similar locking device which, when locked, prevents the unauthorized use of the firearm.

(3) The department must provide a unique exemption code for taxpayers that file their tax return electronically to report the total amount of exempt firearm safety products sold.

**Sec. 921.** RCW 82.12.832 and 1998 c 178 s 2 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use of gun safes or firearm safety products as defined in RCW 82.08.832."

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

**POINT OF ORDER**

Representative Tarleton requested a scope and object ruling on amendment (837) to ESHB 2376.

**SPEAKER'S RULING**

Madam Speaker (Representative Orwall presiding): "Substitute House Bill No. 2376 is the supplemental operating budget bill. The bill makes changes to appropriation levels and fund transfers for the continued operation of state government and its various agencies and institutions for the remaining year of the 2015-17 biennium and includes provisos to condition, limit or earmark use of the appropriations.

Amendment 837 authorizes a tax exemption. Tax rates and preferences are a separate and distinct subject from appropriations.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken."

Representative Taylor moved the adoption of amendment (847):

On page 297, after line 13, insert the following:

"**Sec. 920.** RCW 77.36.110 and 2009 c 333 s 56 are each amended to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under RCW 77.36.100; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost-effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

~~((f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.))~~

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) Permitting public hunting on the land subject to a claim under this chapter is not considered to be a practicable self-help preventive measure and the department may not condition the receipt of compensation under this chapter on the claimant allowing or facilitating public hunting access to the land in question.

(5) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventive efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150."

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

Representatives Taylor, Orcutt, Schmick and Dent spoke in favor of the adoption of the amendment.

Representative Blake 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 (847) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self,

Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Shea moved the adoption of amendment (878):

On page 298, after line 28, insert the following:

"NEW SECTION. Sec. 922. A new section is added to chapter 43.88 RCW to read as follows:

(1) On or before November 1, 2016, the department of corrections, the department of transportation, and the department of ecology shall submit a written report to the speaker and minority leader of the Washington house of representatives, the majority and minority leaders of the Washington senate, and the governor, providing a comprehensive, detailed description of every agreement between the agency and the federal government. At minimum, the report must contain the following information:

(a) The type of agreement, including a comprehensive description of its contents;

(b) The purposes, goals, and public benefits to be derived from the agreement;

(c) A detailed description, including the dollar amounts, of any grants, funds, revenues, or fiscal impacts likely to result from the agreement;

(d) The identification of the specific statute, rule, or constitutional provision providing the legal basis for the agreement;

(e) The identification of the specific agencies, both state and federal, entering into the agreement; and

(f) The identification of every state officer, employee, or other state agent participating in the creation, negotiation, or approval of the agreement.

(2) For purposes of this section, "Agreement" means any contract, agreement, memorandum of understanding, or other arrangement between a state agency and the federal government that requires an agency or other state governmental entity to take action or otherwise expend state resources in order to comply with the terms of the agreement.

(3) This section applies to all agreements in effect as of the effective date of this section and to all agreements entered into or renewed on or after July 1, 2016."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representative Shea and Shea (again) 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 (878) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (843):

On page 298, after line 28, insert the following:

**"NEW SECTION. Sec. 922.** A new section is added to chapter 34.05 RCW to read as follows:

(1) After passage of this act, all agencies with rulemaking authority must adopt rules prior to December 1st of any year.

(2) Such rules may not take effect until after the end of the ensuing regular legislative session, as defined by Article II, section 12 of the Constitution and RCW 44.04.010."

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 Hudgins 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 (843) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn,

Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

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 Ormsby, Lytton, Kilduff, Fey, Springer and Sullivan spoke in favor of the passage of the bill.

Representatives Chandler, Vick, Orcutt, Stokesbary, Magendanz, Smith, Stambaugh and Parker 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. 2376.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2376, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Hunt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2524, by Representatives Clibborn, Orcutt, Fey and McBride**

**Making 2015-2017 supplemental transportation appropriations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2524 was substituted for House Bill No. 2524 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2524 was read the second time.

With the consent of the house, amendment (813) was withdrawn.

Representative Schmick moved the adoption of amendment (828):

On page 9, at the beginning of line 23, strike "Motor Vehicle Account—Federal Appropriation . . . . . \$500,000"

On page 9, line 27, correct the total.

On page 10, beginning on line 12, strike all of subsection (3).

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

Representatives Schmick and Orcutt spoke in favor of the adoption of the amendment.

Representative Clibborn 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 (828) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt, S.

Representative Orcutt moved the adoption of amendment (851):

On page 12, line 28, decrease the State Patrol Highway Account-State Appropriation by \$9,634,000

On page 12, line 31, decrease the State Patrol Highway Account-Federal Appropriation by \$96,000

On page 12, line 34, decrease the State Patrol Highway Account-Private/Local Appropriation by \$10,000

On page 12, line 36, decrease the Highway Safety Account-State Appropriation by \$1,568,000

On page 13, line 3, correct the total

On page 13, beginning on line 27, after "(4)" strike all material through "lapses" on line 36 and insert the following:

"\$5,000,000 of the state patrol highway account-state appropriation is provided solely for the Washington state patrol to use for compensation increases for troopers, sergeants, lieutenants, and captains beginning on July 1, 2016 and to improve recruitment and retention"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (851) was not adopted.

Representative Buys moved the adoption of amendment (859):

On page 13, after line 36, insert the following:

"(5) Washington state patrol officers must not use unmarked state patrol vehicles when performing traffic enforcement for rules of the road compliance. Unmarked state patrol vehicles may only be used for traffic stops when the vehicle or vehicles being stopped are involved in an undercover investigation."

Representatives Buys and Shea spoke in favor of the adoption of the amendment.

Representative Farrell spoke against the adoption of the amendment.

Amendment (859) was not adopted.

Representative Manweller moved the adoption of amendment (850):

On page 31, after line 32, insert the following:

"(6) Within current resources, the transportation planning program, with assistance from the rail program and other programs as needed, shall prepare a report that outlines the state's options for addressing the eastside rail corridor rail line removal authorized under the rail banking provisions of federal law. This report must evaluate options by which the state may facilitate the preservation and maintenance of the rail lines that comprise the eastside rail corridor, in consideration of what is currently permitted under federal law. The report must address, but is not limited to, what, if any, legal authority the state has to affect projects currently underway in or planned for this corridor; whether state acquisition of specific property rights in this corridor is permitted under federal law and, if so, whether it could be beneficial to or would be necessary for the preservation and maintenance of the corridor's rail lines; and the extent to which the state may otherwise encourage the preservation of this rail corridor. The report must include sufficient details on each option presented to support its evaluation, as well as the potential benefits and estimated costs associated with options presented that are permissible under federal law. The evaluation of potential benefits must be conducted in the context of current state rail policy, including RCW 47.76.240. The department must submit the report to the

transportation committees of the legislature by November 15, 2016."

On page 80, after line 17, insert the following:

"**Sec. 703.** A new section is added to chapter 47.76 RCW to read as follows:

(1) Any removal of existing rail tracks on a rail corridor located at least partly in a county or counties with a county population greater than one-and-one-half million that occurs during the 2015-17 biennium is subject to the requirements in this section as of the effective date of this bill. The responsible party proposing to remove rail tracks as part of a rail banking activity shall file with the department of transportation a bond or proof of an escrow account in a Washington financial institution an amount to fully cover the annual expected costs of maintaining the corridor. The responsible party shall update the bond or proof of an escrow account on an annual basis thereafter. The bond or proof of an escrow account must be filed prior to removal of the railroad tracks.

(2) The bond or escrow account must be conditioned on the responsible party's performance, and must be in an amount agreed upon between the responsible party and the department of transportation as sufficient to fully cover the annual costs for maintenance of the trail, bridges, culverts, roadway intersections, crossing and signage on the corridor in a manner that will allow for subsequent restoration of rail use along the corridor.

(3) If the responsible party fails to comply with the provisions of this section, the attorney general for the state of Washington shall bring an action in superior court to enforce the provisions of this section. Upon a finding that the responsible party has failed to comply with the provisions of this section, the court may enter an order requiring the responsible party to comply with provisions of this section.

(4) For the purposes of this section, responsible party means any person, for-profit entity, not-for-profit entity or governmental entity that is responsible for developing, operating or maintaining property with rail tracks that are part of a rail corridor located in a county or counties at least partly located east of Lake Washington with a county population greater than 700,000.

(5) This section expires June 30, 2017."

Representatives Manweller and Stokesbary spoke in favor of the adoption of the amendment.

Representative McBride 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 (850) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott,

Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt, S.

Representative Moscoso moved the adoption of amendment (868):

On page 31, after line 32, insert the following:

"(6) Within current resources, the transportation planning program, with assistance from the rail program and other programs as needed, shall prepare a report that outlines the state's options for addressing the removal of the Eastside Freight Railroad line, which runs from the county of Snohomish to the city of Woodinville, authorized under the rail banking provisions of federal law. This report must evaluate options by which the state may facilitate the preservation and maintenance of the Eastside Freight Railroad line, in consideration of what is currently permitted under federal law. The report must address, but is not limited to, what, if any, legal authority the state has to affect projects currently underway in or planned for the Eastside Freight Railroad line; whether state acquisition of specific property rights on the Eastside Freight Railroad line is permitted under federal law and, if so, whether it could be beneficial to or would be necessary for the preservation and maintenance of the Eastside Freight Railroad line; and the extent to which the state may otherwise encourage the preservation of the Eastside Freight Railroad line. The report must include sufficient details on each option presented to support its evaluation, as well as the potential benefits and estimated costs associated with options presented that are permissible under federal law. The evaluation of potential benefits must be conducted in the context of current state rail policy, including RCW 47.76.240. The department must submit the report to the transportation committees of the legislature by December 1, 2016."

Representative Moscoso spoke in favor of the adoption of the amendment.

Amendment (868) was adopted.

Representative Sells moved the adoption of amendment (814):

On page 35, line 31, after "funding" insert "; and \$2,000,000 in the 2017-2019 fiscal biennium for the North Broadway Bus Stop Safety Improvements project in lieu of its currently identified funding in the 2019-2021 fiscal biennium"

Representatives Sells and Orcutt spoke in favor of the adoption of the amendment.

Amendment (814) was adopted.

Representative Hayes moved the adoption of amendment (867):

On page 36, line 20, increase the Puget Sound Ferry Operations Account--State Appropriation by \$48,000

On page 36, line 26, correct the total.

On page 38, after line 8, insert the following:

"(11) \$48,000 of the Puget Sound ferry operations account--state appropriation is provided solely for staff sufficient to allow passenger accessibility aboard the M/V Tokitae to the sun deck during daylight hours on Saturdays and Sundays of the summer sailing season."

Representatives Hayes and Clibborn spoke in favor of the adoption of the amendment.

Amendment (867) was adopted.

Representative Pike moved the adoption of amendment (823):

On page 56, line 30, increase the Multimodal Transportation Account--State Appropriation by \$300,000

On page 56, line 35, correct the total.

On page 58, after line 36, insert the following:

"(7) \$300,000 of the multimodal transportation account--state appropriation is provided solely for planning and initial permitting for the bridge 12 (Salmon Creek) replacement project on the Chelatchie Prairie railroad short line at milepost 12.45 in Clark county."

Representatives Pike and Clibborn spoke in favor of the adoption of the amendment.

Amendment (823) was adopted.

Representative Young moved the adoption of amendment (866):

On page 61, after line 31, insert the following:

"Motor Vehicle Account--State Appropriation.....\$2,500,000"

On page 61, line 33, correct the total.

On page 61, after line 33, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the motor vehicle account--state appropriation is provided solely for debt service payment and withholding for the Tacoma Narrows bridge, with the intent of forestalling the need for the Washington state transportation commission to raise toll rates for the Tacoma Narrows bridge for fiscal year 2017."

Representatives Young and Kilduff spoke in favor of the adoption of the amendment.

Amendment (866) was adopted.

Representative Harmsworth moved the adoption of amendment (862):

On page 80, after line 17, insert the following:

**"Sec. 703.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end is authorized, Interstate 405 is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) Tolls for the express toll lanes must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate.

(b) In those locations with two express toll lanes in each direction, when the use of two express toll lanes is not prohibited, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ensure that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(f) During the length of the 2015-17 fiscal biennium, toll charges may not be assessed and minimum vehicle occupancy requirements are not permitted in the corridor identified in this section between the hours of 7:00 p.m. and 5:00 a.m. on weekdays or at any time on weekends or state holidays.

(3) During the length of the 2015-17 fiscal biennium and within available funds, ((F))the department may construct and operate ((express toll lanes)) only a single express toll lane in each direction on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. During the length of the 2015-17 fiscal biennium and within available funds, each express toll lane must use continuous access striping except at specific locations where safety concerns related to vehicle ingress and egress require the use of access restrictions; any other express toll lane or high occupancy vehicle lane may not be constructed or operated on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon

as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) The department shall monitor the express toll lanes project and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways; and

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

(5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

(6) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

(7) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction."

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

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (862) to ESHB 2524.

#### SPEAKER'S RULING

Madam Speaker (Representative Orwall presiding): "Substitute House Bill No. 2524 is the supplemental transportation budget bill. The bill changes appropriations for transportation agencies for the remaining year of the 2015-17 biennium.

Amendment 862 makes various changes to the operation of the I-405 tolling corridor. The amendment relates to substantive transportation policy rather than the appropriations needed to support that policy.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Harmsworth moved the adoption of amendment (863):

On page 80, after line 17, insert the following:

"Sec. 703. RCW 46.61.165 and 2013 c 26 s 2 are each amended to read as follows:

(1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of one or more of the following: (a) Public transportation vehicles; (b) motorcycles; (c) private motor vehicles carrying no fewer than a specified number of passengers; or (d) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (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; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are authorized pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) The state department of transportation and the local authorities authorized to reserve all or any portion of any highway under their respective jurisdictions, for exclusive or preferential use, may prohibit the use of a high occupancy vehicle lane by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle lane fails to meet department of transportation standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours, as determined by the department of transportation or the local authority, whichever operates the facility.

(4) Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be

effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

(5) Local authorities are encouraged to establish a process for private transportation providers, as described under subsections (1) and (3) of this section, to apply for the use of public transportation facilities reserved for the exclusive or preferential use of public transportation vehicles. The application and review processes should be uniform and should provide for an expeditious response by the local authority. Whenever practicable, local authorities should enter into agreements with such private transportation providers to allow for the reasonable use of these facilities.

(6) Notwithstanding the provisions in subsection (1), during the length of the 2015-17 fiscal biennium and within available funds, the state department of transportation must reserve one and only one lane of Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end for the exclusive or preferential use of one or more of the vehicle categories listed in subsection (1); the department must permit private motor vehicles carrying no fewer than two passengers in this reserved lane. This lane must serve as a general purpose lane between 7:00 p.m. and 5:00 a.m. on weekdays and at all times on weekends and state holidays.

(7) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department of transportation, and is offered by an employer for the benefit of its employees.

**Sec. 704.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read as follows:

(1) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of (a) public transportation vehicles, (b) privately owned buses, (c) motorcycles, (d) private motor vehicles carrying not less than a specified number of passengers, or (e) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (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; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours for two consecutive months.

(4)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) Notwithstanding the provisions in subsection (1), during the length of the 2015-17 fiscal biennium and within available funds, the state department of transportation must reserve one and only one lane of Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end for the exclusive or preferential use of one or more of the vehicle categories listed in subsection (1); the department must permit private motor vehicles carrying no fewer than two passengers in this reserved lane. This lane must serve as a general purpose lane between 7:00 p.m. and 5:00 a.m. on weekdays and at all times on weekends and state holidays.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle,



meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

**Sec. 705.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1)(a) The imposition of tolls for express toll lanes on Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end is ((authorized)) **suspended for the length of the 2015-17 fiscal biennium, the designation of Interstate 405 ((is designated)) as an eligible toll facility is **suspended for the length of the 2015-17 fiscal biennium,** and toll revenue, when generated in the corridor, must only be expended as allowed under RCW 47.56.820.**

(b) **During the suspension of tolling, as specified in subsection (1)(a), the portion of Interstate 405 identified in subsection (1)(a) must consist of four continuous, uninterrupted general purpose lanes and a single high occupancy vehicle lane.**

(2) Tolls for the express toll lanes, when tolling has not been suspended as provided in subsection (1), must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate.

(b) In those locations with two express toll lanes in each direction, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ensure that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end **except during the period when such tolling is suspended as provided in subsection (1).** Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect

unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) When tolling is not suspended as provided in subsection (1), ((~~F~~))the department shall monitor the express toll lanes project and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways; and

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

(5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

(6) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

(7) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction."

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

#### **POINT OF ORDER**

Representative Tarleton requested a scope and object ruling on amendment (863) to SHB 2524.

#### **SPEAKER'S RULING**

Madam Speaker (Representative Orwall presiding): "Substitute House Bill 2524 is the supplemental transportation budget bill. The bill changes appropriations for transportation agencies for the remaining year of the 2015-17 biennium.

Amendment (863) suspends tolling and makes various changes to the operation of the I-405 corridor. The

amendment primarily relates to substantive transportation policy rather than the appropriations needed to support that policy. It does not change, affect or relate to any appropriation contained in the bill.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken.”

Representative Hayes moved the adoption of amendment (864):

On page 80, after line 17, insert the following:

"**Sec. 703.** RCW 47.56.850 and 2009 c 498 s 15 are each amended to read as follows:

(1) Unless these powers are otherwise delegated by the legislature, the transportation commission is the tolling authority for the state. During the length of the 2015-17 fiscal biennium, within any toll rate limitations set by law, ~~((F))~~the tolling authority shall:

(a) Set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities;

(b) Review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the legislature.

(2) The tolling authority, in determining toll rates, shall consider the policy guidelines established in RCW 47.56.830, and during the length of the 2015-17 fiscal biennium, shall do so in light of any toll rate limitations set by law.

(3) Unless otherwise directed by the legislature, in setting and periodically adjusting toll rates, the tolling authority must ensure that toll rates will generate revenue sufficient to:

(a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, renewal, replacement, administration, and toll enforcement by public law enforcement;

(b) Meet obligations for the timely payment of debt service on bonds issued for eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, insurance, and compliance with all other financial and other covenants made by the state in the bond proceedings;

(c) Meet obligations to reimburse the motor vehicle fund for excise taxes on motor vehicle and special fuels applied to the payment of bonds issued for eligible toll facilities; and

(d) Meet any other obligations of the tolling authority to provide its proportionate share of funding contributions for any projects or operations of the eligible toll facilities.

(4) The established toll rates, during the 2015-17 fiscal biennium, within any toll rate limitations set by law, may include variable pricing, and should be set to optimize system performance, recognizing necessary trade-offs to generate revenue for the purposes specified in subsection (3) of this section. Tolls may vary for type of vehicle, time of day, traffic conditions, or other factors designed to improve performance of the system.

(5) In fixing and adjusting toll rates under this section, the only toll revenue to be taken into account must be toll revenue pledged to bonds that includes toll receipts, and the only debt service requirements to be taken into account must be debt service on bonds payable from and secured by toll revenue that includes toll receipts.

(6) The legislature pledges to appropriate toll revenue as necessary to carry out the purposes of this section. When the legislature has specifically identified and designated an eligible toll facility and authorized the issuance of bonds for the financing of the eligible toll facility that are payable from and secured by a pledge of toll revenue, the legislature further agrees for the benefit of the owners of outstanding bonds issued by the state for eligible toll facilities to continue in effect and not to impair or withdraw the authorization of the tolling authority to fix and adjust tolls as provided in this section. The state finance committee shall pledge the state's obligation to impose and maintain tolls, together with the application of toll revenue as described in this section, to the owners of any bonds.

**Sec. 704.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end is authorized, Interstate 405 is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) Tolls for the express toll lanes must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate; however, during the 2015-17 fiscal biennium, the toll rates may not exceed \$4.00.

(b) In those locations with two express toll lanes in each direction, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ensure that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the

conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) The department shall monitor the express toll lanes project and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways; and

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

(5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

(6) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

(7) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction."

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

**POINT OF ORDER**

Representative Tarleton requested a scope and object ruling on amendment (864) to ESHB 2524.

**SPEAKER'S RULING**

Madam Speaker (Representative Orwall presiding): "Substitute House Bill 2524 is the supplemental transportation budget bill. The bill changes appropriations for transportation agencies for the remaining year of the 2015-17 biennium.

Amendment (864) removes the authority of the transportation commission to impose tolls and sets tolls at a specified rate. The amendment includes changes to substantive transportation policy but does not change, affect or relate to any appropriation in the bill.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Wilson moved the adoption of amendment (853):

On page 80, after line 36, insert the following:

"**NEW SECTION, Sec. 704.** A new section is added to chapter 47.36 RCW to read as follows:

(1)(a) The department may erect and maintain auto mall directional signs on any state highway right-of-way if the following criteria are met:

(i) There must be at least two or more commercial uses engaged in the sale and service of new vehicles, and the following activities may also be included at the auto mall: (A) Quick service lube and oil centers; (B) financing of motor vehicles; (C) parts sales; (D) motor vehicle insurance; (E) motor vehicle repair and detailing; (F) motor vehicle registration and title services; or (G) fleet sales;

(ii) The auto mall must incorporate at least twenty acres in aggregate;

(iii) The auto mall must be located within one and one-half miles of the state highway;

(iv) Sufficient space must be available for installation of the directional signs as specified in the "Manual on Uniform Traffic Control Devices."

(b) The department may also erect and maintain supplemental follow-through directional signs to be installed at key decision points to direct motorists to the auto mall if it is not clearly visible from the point of exit from the state highway.

(2) The department shall collect from the vehicle dealers that comprise the auto mall a reasonable fee based upon the cost of erection and maintenance of the directional signs.

(3) For the purposes of this section, "auto mall" includes any auto park, auto complex, auto row, and auto center.

(4) This section expires June 30, 2017." Correct the title.

Representative Wilson spoke in favor of the adoption of the amendment.

Representative Clibborn 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 (853) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

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 Clibborn, Orcutt, Fey, Harmsworth and Hargrove 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. 2524.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2524, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Dye, Hawkins, Kretz, MacEwen, Magendanz, Manweller, McCaslin, Schmick, Shea, Short and Taylor.

Excused: Representative S. Hunt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524, having received the necessary constitutional majority, was declared passed.

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

### REPORTS OF STANDING COMMITTEES

February 24, 2016

HB 2453 Prime Sponsor, Representative Jinkins: Improving oversight of the state hospitals. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Appropriations.

February 23, 2016

E2SSB 5109 Prime Sponsor, Committee on Ways & Means: Concerning infrastructure financing for local governments. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 8, line 25, after "construction;" insert "and"  
On page 8, beginning on line 26 after "funds" strike all material through "mountains" on line 30

Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Finance.

February 24, 2016

SB 5143 Prime Sponsor, Senator Becker: Concerning the availability of childhood immunization resources for expecting parents. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 5145 Prime Sponsor, Committee on Health Care: Concerning the membership of the health technology clinical committee. (REVISED FOR ENGROSSED: Concerning the health technology clinical committee membership and rotating experts. ) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5265 Prime Sponsor, Senator Benton: Allowing a public depository to arrange for reciprocal deposits of public funds. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5271 Prime Sponsor, Senator Roach: Concerning standards adopted by the national fire protection association and the state building code council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis and Pike.

Passed to Committee on Rules for second reading.

February 25, 2016

SB 5342 Prime Sponsor, Senator Hasegawa: Concerning definitions related to human trafficking. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Moeller; Ormsby and Smith.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5458 Prime Sponsor, Senator Angel: Concerning health district banking. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 5561 Prime Sponsor, Committee on Ways & Means: Concerning veteran survivor tuition waiver eligibility. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016

2ESSB 5575 Prime Sponsor, Committee on Ways & Means: Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants or biomass energy facilities to convert to natural gas-fired plants. (REVISED FOR ENGROSSED: Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities. ) Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Finance.

February 24, 2016

SSB 5597 Prime Sponsor, Committee on Commerce & Labor: Concerning the licensing of real estate appraisers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

SB 5689 February 24, 2016  
Prime Sponsor, Senator Becker:  
Concerning the scope and costs of the  
diabetes epidemic in Washington.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The health care authority, department of social and health services, and department of health shall collaborate to identify goals and benchmarks while also developing individual agency plans to reduce the incidence of diabetes in Washington, improve diabetes care, and control complications associated with diabetes.

NEW SECTION. Sec. 2. The health care authority, department of social and health services, and department of health shall each submit a report to the governor and the legislature by December 31, 2019, and every second year thereafter, on the following:

- (1) The financial impact and reach diabetes of all types is having on programs administered by each agency and individuals enrolled in those programs. Items included in this assessment must include the number of lives with diabetes impacted or covered by programs administered by the agency, the number of lives with diabetes and family members impacted by prevention and diabetes control programs implemented by the agency, the financial toll or impact diabetes and its complications places on these programs, and the financial toll or impact diabetes and its complications places on these programs in comparison to other chronic diseases and conditions;
- (2) An assessment of the benefits of implemented programs and activities aimed at controlling diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to the agency for programs and activities aimed at reaching those with diabetes;
- (3) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all forms of diabetes and its complications;
- (4) A development or revision of detailed action plans for battling diabetes with a range of actionable items for consideration by the legislature. The plans must identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications. The plan must also identify expected outcomes of the action steps proposed in the following biennium while also

establishing benchmarks for controlling and preventing relevant forms of diabetes; and

(5) An estimate of costs and resources required to implement the plan identified in subsection (4) of this section.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

SSB 5767 February 24, 2016  
Prime Sponsor, Committee on Government  
Operations & Security: Revising local  
government treasury practices and  
procedures. Reported by Committee on  
Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

SB 5879 February 23, 2016  
Prime Sponsor, Senator Billig: Concerning  
early intervention services for infants and  
toddlers with disabilities and their families.  
Reported by Committee on Early Learning  
& Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.195.010 and 1998 c 245 s 125 are each amended to read as follows:

For the purposes of implementing this chapter, the governor shall appoint a state ((birth-to-six)) birth-to-three interagency coordinating council and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services. No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources.

All state and local agencies shall ensure that the implementation of this chapter will not cause any

interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

Sec. 2. RCW 70.195.020 and 1992 c 198 s 17 are each amended to read as follows:

The state ((birth-to-six)) birth-to-three interagency coordinating council shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

Sec. 3. RCW 28A.155.065 and 2007 c 115 s 7 are each amended to read as follows:

(1) ((By September 1, 2009,)) Each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education ((improvement)) act or other applicable federal and state laws, and as specified in the Washington Administrative Code adopted by the state lead agency, which is the department of early learning. School districts shall provide or contract, or both, for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age. The state-designated birth-to-three lead agency shall be payor of last resort for birth-to-three early intervention services provided under this section.

(2)(a) By October 1, 2016, the office of the superintendent of public instruction shall provide the department of early learning, in its role as state lead agency, with a full accounting of the school district expenditures from the 2013-14 and 2014-15 school years, disaggregated by district, for birth-to-three early intervention services provided under this section.

(b) The reported expenditures must include, but are not limited to per student allocations, per student expenditures, the number of children served, detailed information on services provided by school districts and contracted for by school districts, coordination and transition services, and administrative costs.

(3) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution.

NEW SECTION. Sec. 4. (1) The department of early learning shall provide a full accounting of the early support for infants and toddlers expenditures from the 2013-14 and 2014-15 school years in the plan required under section 6 of this act. The accounting shall include the reported expenditures from the office of the superintendent of public instruction required under section 3 of this act.

(2) This section expires August 1, 2017.

Sec. 5. RCW 43.215.020 and 2013 c 323 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private public partnership;

(d) To administer child care and early learning programs;

(e) To apply data already collected comparing the following factors and make biennial recommendations to the legislature regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes and centers;

(ii) Compensation of early learning educators in licensed centers and homes and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(f) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA) and to develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(g) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(h) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(i) To work cooperatively and in coordination with the early learning council;

(j) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(k) To develop and adopt rules for administration of the program of early learning established in RCW ((43.215.141)) 43.215.455;

(l) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(m) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) Subject to the availability of amounts appropriated for this specific purpose, the legislature shall fund the expansion in the Washington state preschool program pursuant to RCW ((43.215.142)) 43.215.456 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 6. By December 15, 2016, the department of early learning shall develop and submit a plan to the appropriate committees of the legislature on comprehensive and coordinated early intervention services for all eligible children with disabilities in accordance with Part C of the federal individuals with disabilities education act. The proposed plan shall include, but is not limited to, the following:

(1) A full accounting of all the expenditures related to early support for infants and toddlers from both the department of early learning and the office of the superintendent of public instruction as required in RCW 28A.155.065 and section 4 of this act;

(2) The identification and proposal for coordination of all available public financial resources within the state from federal, state, and local sources;

(3) A design for an integrated early learning intervention system for all eligible infants and toddlers who have been diagnosed with a disability or developmental delays and their families;

(4) The development of procedures that ensure services are provided to all eligible infants and toddlers and their families in a consistent and timely manner; and

(5) A proposal for the integration of early support for infants and toddlers services with other critical services available for children birth to age three and their families.

NEW SECTION. Sec. 7. RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030 are each recodified as sections in chapter 43.215 RCW."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5937 Prime Sponsor, Senator Parlette:  
Addressing the farm internship pilot project. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6147 Prime Sponsor, Senator Roach:  
Concerning water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6148 Prime Sponsor, Senator Warnick:  
Concerning the handling of certain personal property in a self-service storage facility. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.



SB 6155 February 24, 2016  
 Prime Sponsor, Senator Roach:  
 Concerning county payroll draw days.  
 Reported by Committee on Local  
 Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Appleton, Chair; Gregerson, Vice  
 Chair; Taylor, Ranking Minority Member; Griffey,  
 Assistant Ranking Minority Member; Barkis;  
 Fitzgibbon; McBride; Peterson and Pike.

Passed to Committee on Rules for second reading.

ESB 6166 February 24, 2016  
 Prime Sponsor, Senator Takko: Allowing  
 incremental electricity produced as a result  
 of certain capital investment projects to  
 qualify as an eligible renewable resource  
 under the energy independence act.  
 Reported by Committee on Technology &  
 Economic Development

MAJORITY recommendation: Do pass. Signed by  
 Representatives Morris, Chair; Tarleton, Vice Chair;  
 Smith, Ranking Minority Member; DeBolt, Assistant  
 Ranking Minority Member; Fey; Harmsworth;  
 Magendanz; Nealey; Rossetti; Santos; Wylie and  
 Young.

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

Passed to Committee on General Government &  
 Information Technology.

SB 6170 February 24, 2016  
 Prime Sponsor, Senator Roach: Providing  
 for an exemption from disclosure of certain  
 financial, commercial, and proprietary  
 information held by a city retirement board  
 on behalf of its employees' retirement  
 system. Reported by Committee on State  
 Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Holy, Ranking  
 Minority Member; Van Werven, Assistant Ranking  
 Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

SB 6171 February 24, 2016  
 Prime Sponsor, Senator Roach:  
 Concerning civil penalties for knowing  
 attendance by a member of a governing  
 body at a meeting held in violation of the  
 open public meetings act. Reported by  
 Committee on State Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Holy, Ranking  
 Minority Member; Van Werven, Assistant Ranking  
 Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

SB 6202 February 23, 2016  
 Prime Sponsor, Senator Hobbs:  
 Concerning the enforcement of  
 employment rights arising from state active  
 duty service by a member of the national  
 guard. Reported by Committee on  
 Community Development, Housing &  
 Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Ryu, Chair; Robinson, Vice Chair;  
 Wilson, Ranking Minority Member; Zeiger, Assistant  
 Ranking Minority Member; Appleton; Hickel and  
 Sawyer.

Passed to Committee on Rules for second reading.

ESSB 6206 February 23, 2016  
 Prime Sponsor, Committee on Agriculture,  
 Water & Rural Economic Development:  
 Authorizing the growing of industrial  
 hemp. Reported by Committee on  
 Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hurst, Chair; Wylie, Vice Chair;  
 Condotta, Ranking Minority Member; Holy, Assistant  
 Ranking Minority Member; Blake; Kirby; Scott; Van De  
 Wege and Vick.

Passed to Committee on Rules for second reading.

SSB 6211 February 23, 2016  
 Prime Sponsor, Committee on Ways &  
 Means: Concerning the exemption of  
 property taxes for nonprofit  
 homeownership development. Reported  
 by Committee on Community  
 Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Ryu, Chair; Robinson, Vice Chair;  
 Wilson, Ranking Minority Member; Zeiger, Assistant  
 Ranking Minority Member; Appleton; Hickel and  
 Sawyer.

Passed to Committee on Rules for second reading.

SSB 6283 February 24, 2016  
 Prime Sponsor, Committee on Financial  
 Institutions & Insurance: Addressing the  
 securities act of Washington. Reported by  
 Committee on Business & Financial  
 Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6284 Prime Sponsor, Committee on Government Operations & Security: Preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6314 Prime Sponsor, Committee on Transportation: Concerning county road administration and maintenance. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 13, after "vacation." strike all material through "benefit" on line 18 and insert "In determining the appropriate compensation for the road or right-of-way, the board may adjust the appraised value to reflect the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit"

Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis and Pike.

Passed to Committee on Rules for second reading.

February 23, 2016  
SB 6325 Prime Sponsor, Senator Baumgartner: Aligning the alcohol content definition of cider with the federal definition. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott and Vick.

MINORITY recommendation: Do not pass. Signed by Representative Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6326 Prime Sponsor, Committee on Transportation: Concerning the retention and maintenance of auto dealer and repair facility records. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 23, 2016  
SSB 6337 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Disposing tax foreclosed property to cities for affordable housing purposes. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 1, line 19 after "(2)" strike "The" and insert "Except when a county legislative authority purchases the tax-foreclosed property for public purposes, the"

On page 2, line 4 after "84.64.080," strike "under the following conditions" and insert "together with any direct costs incurred by the county in the sale. If the city chooses to purchase the property, the following conditions apply"

On page 2, beginning on line 13 after "reimbursed" strike all material through "entity" on line 14 and insert "by the housing authority or other nonprofit entity for the amount the city paid to purchase the property together with any direct costs incurred by the city in the transfer to the housing authority or other nonprofit entity"

Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representative Wilson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 23, 2016  
SSB 6342 Prime Sponsor, Committee on Financial Institutions & Insurance: Concerning private activity bond allocation. Reported

by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6356 Prime Sponsor, Committee on Government Operations & Security: Concerning disclosure of financial, commercial, and proprietary information of employees of private cloud service providers. (REVISED FOR ENGROSSED: Concerning disclosure of identifiable information and security information of certain employees of private cloud service providers. ) Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6376 Prime Sponsor, Senator Fraser: Recognizing human trafficking awareness day. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6398 Prime Sponsor, Senator Hasegawa: Concerning certain cultural foods. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

SSB 6421 Prime Sponsor, Committee on Health Care: Allowing authorized health care providers

to prescribe epinephrine autoinjectors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 23, 2016

ESSB 6470 Prime Sponsor, Committee on Commerce & Labor: Addressing provisions concerning wineries in respect to the licensing of private collections of wine, allowing wineries to make sales for off-premises consumption at special occasion licensed events, modifying special occasion licenses, and making certain related technical corrections. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.170 and 2014 c 105 s 1 and 2014 c 27 s 1 are each reenacted and amended to read as follows:

(1) There ((shall be)) is a license for domestic wineries; fee to be computed only on the liters manufactured: Less than two hundred fifty thousand liters per year, one hundred dollars per year; and two hundred fifty thousand liters or more per year, four hundred dollars per year.

(2) The license allows for the manufacture of wine in Washington state from grapes or other agricultural products.

(3) Any domestic winery licensed under this section may also act as a retailer of wine of its own production. Any domestic winery licensed under this section may act as a distributor of its own production. Notwithstanding any language in this title to the contrary, a domestic winery may use a common carrier to deliver up to one hundred cases of its own production, in the aggregate, per month to licensed Washington retailers. A domestic winery may not arrange for any such common carrier shipments to licensed retailers of wine not of its own production. Except as provided in this section, any winery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a winery operating as a distributor may maintain a warehouse off the premises of the winery for the distribution of wine of its own production provided that: (a) The warehouse has been approved by the board under RCW 66.24.010; and (b) the number of warehouses off the premises of the winery does not exceed one.

(4) A domestic winery licensed under this section, at locations separate from any of its production or

manufacturing sites, may serve samples of its own products, with or without charge, may sell wine of its own production at retail, and may sell for off-premises consumption wines of its own production in kegs or sanitary containers meeting the applicable requirements of federal law brought to the premises by the purchaser or furnished by the licensee and filled at the tap at the time of sale, provided that: (a) Each additional location has been approved by the board under RCW 66.24.010; (b) the total number of additional locations does not exceed two; (c) a winery may not act as a distributor at any such additional location; and (d) any person selling or serving wine at an additional location for ~~((on-premise [on-premises]))~~ on-premises consumption must obtain a class 12 or class 13 alcohol server permit. Each additional location is deemed to be part of the winery license for the purpose of this title. At additional locations operated by multiple wineries under this section, if the board cannot connect a violation of RCW 66.44.200 or 66.44.270 to a single licensee, the board may hold all licensees operating the additional location jointly liable. Nothing in this subsection may be construed to prevent a domestic winery from holding multiple domestic winery licenses.

(5)(a) A domestic winery licensed under this section may apply to the board for an endorsement to sell wine of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. An endorsement issued pursuant to this subsection does not count toward the two additional retail locations limit specified in this section.

(b) For each month during which a domestic winery will sell wine at a qualifying farmers market, the winery must provide the board or its designee a list of the dates, times, and locations at which bottled wine may be offered for sale. This list must be received by the board before the winery may offer wine for sale at a qualifying farmers market.

(c) The wine sold at qualifying farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in this state.

(d) Each approved location in a qualifying farmers market is deemed to be part of the winery license for the purpose of this title. The approved locations under an endorsement granted under this subsection include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The winery may not store wine at a farmers market beyond the hours that the winery offers bottled wine for sale. The winery may not act as a distributor from a farmers market location.

(e) Before a winery may sell bottled wine at a qualifying farmers market, the farmers market must apply to the board for authorization for any winery with an endorsement approved under this subsection to sell bottled wine at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved winery may sell bottled wine; and (ii) the name and contact information for the on-site market managers who may be

contacted by the board or its designee to verify the locations at which bottled wine may be sold. Before authorizing a qualifying farmers market to allow an approved winery to sell bottled wine at retail at its farmers market location, the board ((shall)) must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers. However, if a farmers market does not satisfy this subsection (5)(g)(i)(B), a farmers market is still considered a "qualifying farmers market" if the total combined gross annual sales of farmers and processors at the farmers market is one million dollars or more;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(6) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine ((shall be)) is deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

(7) During an event held by a nonprofit holding a special occasion license issued under RCW 66.24.380, a domestic winery licensed under this section may take orders, either in writing or electronically, and accept payment for wines of its own production under the following conditions:

- (a) Wine produced by the domestic winery may be served for on-premises consumption by the special occasion licensee;
- (b) The domestic winery delivers wine to the consumer on a date after the conclusion of the special occasion event;
- (c) The domestic winery delivers wine to the consumer at a location different from the location at which the special occasion event is held;
- (d) The domestic winery complies with all requirements in chapter 66.20 RCW for direct sale of wine to consumers;
- (e) The wine is not sold for resale; and
- (f) The domestic winery is entitled to all proceeds from the sale and delivery of its wine to a consumer after the conclusion of the special occasion event, but may enter into an agreement to share a portion of the proceeds of these sales with the special occasion licensee licensed under RCW 66.24.380.

Sec. 2. RCW 66.24.380 and 2012 c 2 s 112 are each amended to read as follows:

There is a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

- (1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per year. For the purposes of this subsection, special occasion licensees that are "agricultural area fairs" or "agricultural county, district, and area fairs," as defined by RCW 15.76.120, that receive a special occasion license may, once per calendar year, count as one event fairs that last multiple days, so long as alcohol sales are at set dates, times, and locations, and the board receives prior notification of the dates, times, and locations. The special occasion license applicant will pay the sixty dollars per day for this event.
- (2) The licensee may sell spirits, beer, and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.
- (3) In addition to offering the sale of wine by the individual serving for on-premises consumption, the licensee may sell wine in original, unopened containers for on-premises consumption if permission is obtained from the board prior to the event.
- (4) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.
- ((4)) (5) Liquor sold under this special occasion license must be purchased from a licensee of the board.
- ((5)) (6) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW.

Sec. 3. RCW 66.12.110 and 2012 c 117 s 272 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his or her personal or household use such

alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent ((markup and)) tax as would be applicable to the purchase of the same or similar liquor at retail ((from a Washington state liquor store)) in this state. The board ((shall)) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a spirits, beer, and wine private club license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such spirits, beer, and wine private club license is not more than ten miles south of the border between the United States and the province of British Columbia.

Sec. 4. RCW 66.12.120 and 1995 c 100 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title ((66 RCW)), a person twenty-one years of age or over may, free of tax ((and markup)), for personal or household use, bring into the state of Washington from another state no more than once per calendar month up to two liters of spirits or wine or two hundred eighty-eight ounces of beer. Additionally, such person may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages in excess of that provided in this section for personal or household use only upon payment of an equivalent ((markup and)) tax as would be applicable to the purchase of the same or similar liquor at retail ((from a state liquor store)) in this state. The board ((shall)) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying into effect the provisions of this section.

Sec. 5. RCW 66.12.240 and 2009 c 361 s 1 are each amended to read as follows:

- (1) Nothing in this title applies to or prevents a wedding boutique or art gallery from offering or supplying without charge wine or beer by the individual glass to a customer for consumption on the premises. However, the customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed ((shall)) must be purchased from a Washington state licensed retailer ((or a Washington state liquor store or agency)) at full retail price. A wedding boutique or art gallery offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.
- (2) ((For the purposes of this section:)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

- (a) "Art gallery" means a room or building devoted to the exhibition and/or sale of the works of art.

(b) "Wedding boutique" means a business primarily engaged in the sale of wedding merchandise.

Sec. 6. RCW 66.20.010 and 2015 c 195 s 1, 2015 c 194 s 3, and 2015 c 59 s 1 are each reenacted and amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee must issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanitorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation;

(8) Where the application is for a special permit by a vendor that manufactures or sells a product which cannot

be effectively presented to potential buyers without serving it with liquor or by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a liquor spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a facility offering from one to eight lodging units and breakfast to travelers and guests;

(12) Where the application is for a special permit to allow tasting of alcohol by persons at least eighteen years of age under the following circumstances:

(a) The application is from a community or technical college as defined in RCW 28B.50.030, a regional university, or a state university;

(b) The person who is permitted to taste under this subsection is enrolled as a student in a required or elective class that is part of a culinary, sommelier, wine business, enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program;

(c) The alcohol served to any person in the degree-related programs under (b) of this subsection is tasted but not consumed for the purposes of educational training as part of the class curriculum with the approval of the educational provider;

(d) The service and tasting of alcoholic beverages is supervised by a faculty or staff member of the educational provider who is twenty-one years of age or older. The supervising faculty or staff member shall possess a class 12 or 13 alcohol server permit under the provisions of RCW 66.20.310;

(e) The enrolled student permitted to taste the alcoholic beverages does not purchase the alcoholic beverages; and

(f) The permit fee for the special permit provided for in this subsection (12) must be waived by the board;

(13) Where the application is for a special permit by a distillery or craft distillery for an event not open to the general public to be held or conducted at a specific place, including at the licensed premise of the applying distillery or craft distillery, upon a specific date for the purpose of tasting and selling spirits of its own production. The distillery or craft distillery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted for private banquet permits prior to the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No licensee may receive more than twelve permits under this subsection (13) each year;

(14) Where the application is for a special permit by a manufacturer of wine for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling wine of its own production. The winery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted at least ten days before the event and once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than twelve events per year may be held by a single manufacturer under this subsection;

(15) Where the application is for a special permit by an individual or business to sell a private collection of wine or spirits to an individual or business. The seller must obtain a permit at least five business days before the sale, for a fee of twenty-five dollars per sale. The seller must provide an inventory of products sold and the agreed price on a form provided by the board. The seller shall submit the report and taxes due to the board no later than twenty calendar days after the sale. A permit may be issued under this section to allow the sale of a private collection to licensees, but may not be issued to a licensee to sell to a private individual or business which is not otherwise authorized under the license held by the seller. If the liquor is purchased by a licensee, all sales are subject to taxes assessed as on liquor acquired from any other source. The board may adopt rules to implement this section.

Sec. 7. RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee ((or store employee)) and as evidence of legal age of the person presenting such card, provided the licensee ((or store employee)) complies with the conditions and procedures

prescribed herein and such regulations as may be made by the board.

Sec. 8. RCW 66.20.180 and 2005 c 151 s 9 are each amended to read as follows:

A card of identification ((shall)) must be presented by the holder thereof upon request of any licensee, ((store employee, contract liquor store manager, contract liquor store employee,)) peace officer, or enforcement officer of the board for the purpose of aiding the licensee, ((store employee, contract liquor store manager, contract liquor store employee,)) peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment ((or state liquor store or contract liquor store)).

Sec. 9. RCW 66.20.190 and 2012 c 117 s 280 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee ((or store employee)) of such card of identification, the licensee ((or store employee)) who is still in doubt about the true age of the holder ((shall)) must require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his or her card of identification thereon. Such statement ((shall)) must be upon a five-inch by eight-inch file card, which card ((shall)) must be filed alphabetically by the licensee ((or store employee)) at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card ((shall)) must be subject to examination by any peace officer or agent or employee of the board at all times. The certification card ((shall)) must also contain in bold-face type a statement stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

Sec. 10. RCW 66.20.200 and 2003 c 53 s 295 are each amended to read as follows:

(1) It ((shall be)) is unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee ((or store employee)). Any person who ((shall)) permits his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee ((or store employee)) or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, ((shall be)) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ((shall)) must be imposed and any sentence requiring community restitution ((shall)) must require not fewer than twenty-five hours of community restitution.

(2) Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card

required by RCW 66.20.190, to be signed by him or her, ((shall be)) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ((shall)) must be imposed and any sentence requiring community restitution ((shall)) must require not fewer than twenty-five hours of community restitution.

Sec. 11. RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each amended to read as follows:

(1) No licensee or the agent or employee of the licensee((, or store employee, shall)) may be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

(2) Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

Sec. 12. RCW 66.24.210 and 2012 c 20 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors ((and the Washington state liquor control board,)) within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production ((shall)) must pay taxes imposed by this section. There is hereby imposed on all cider sold to wine distributors ((and the Washington state liquor control board)) within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery ((shall)) is not ((be)) subject to such tax.

(a) The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors.

(b) Except as provided in subsection (7) of this section, every person purchasing wine under the provisions of this section ((shall)) must on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report ((shall)) must pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may ((forthwith)) suspend or cancel the license until all taxes are paid.

(c) Any licensed retailer authorized to purchase wine from a certificate of approval holder with a direct shipment endorsement or a domestic winery ((shall)) must make monthly reports to the liquor ((control)) and

cannabis board on wine purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax ((shall)) must be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection

(3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010 when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) ((shall)) must be deposited in the state general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than seven percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

(7) For the purposes of this section, out-of-state wineries ((shall)) must pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser.

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which the tax would otherwise be due is not required to pay taxes under this section more often than annually.



Sec. 13. RCW 66.28.030 and 2012 c 2 s 113 are each amended to read as follows:

Every domestic distillery, brewery, and microbrewery, domestic winery, certificate of approval holder, licensed ((liquor)) spirits importer, licensed wine importer, and licensed beer importer is responsible for the conduct of any licensed spirits, beer, or wine distributor in selling, or contracting to sell, to retail licensees, spirits, beer, or wine manufactured by such domestic distillery, brewery, microbrewery, domestic winery, manufacturer holding a certificate of approval, sold by an authorized representative holding a certificate of approval, or imported by such ((liquor)) spirits, beer, or wine importer. Where the board finds that any licensed spirits, beer, or wine distributor has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell spirits, beer, or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such distributor, prohibit the sale of the brand or brands of spirits, beer, or wine involved in such violation to any or all retail licensees within the trade territory usually served by such distributor for such period of time as the board may fix, irrespective of whether the distiller manufacturing such spirits or the ((liquor)) spirits importer importing such spirits, brewer manufacturing such beer or the beer importer importing such beer, or the domestic winery manufacturing such wine or the wine importer importing such wine or the certificate of approval holder manufacturing such spirits, beer, or wine or acting as authorized representative actually participated in such violation.

Sec. 14. RCW 66.28.035 and 2012 c 39 s 7 are each amended to read as follows:

(1) By the ((15th)) 20th day of each month, all spirits certificate of approval holders must file with the board, in a form and manner required by the board, a report of all spirits delivered to purchasers in this state during the preceding month ((along with a copy)). Copies of the invoices for all such purchases or other information required by the board that would disclose the identity of the purchasers must be made available upon request.

(2) A spirits certificate of approval holder may not ship or cause to be transported into this state any spirits unless the purchaser to whom the spirits are to be delivered is:

(a) Licensed by the board to sell spirits in this state, and the license is in good standing; or

(b) Otherwise legally authorized to sell spirits in this state.

(3) The liquor ((control)) and cannabis board must maintain on its web site a list of all purchasers that meet the conditions of subsection (2) of this section.

(4) A violation of this section is grounds for suspension of a spirits certificate of approval license in accordance with RCW 66.08.150, in addition to any punishment as may be authorized by RCW 66.28.030.

Sec. 15. RCW 66.28.040 and 2014 c 92 s 2 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor may,

within the state of Washington, give to any person any liquor; but nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor ((control)) and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150; nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises; nothing in this section prevents donations of wine for the purposes of RCW 66.12.180; nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises; and nothing in this section prevents a craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145.

Sec. 16. RCW 66.44.350 and 2014 c 29 s 4 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees of businesses holding beer and/or wine restaurant; beer and/or wine private club; snack bar; spirits, beer, and wine restaurant; spirits, beer, and wine private club; catering; and sports entertainment facility licenses who are ((licensees)) between eighteen and twenty-one years of age ((and over)) may take orders for, serve, and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor ((control)) and cannabis board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering

messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees ((shall)) remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties: PROVIDED FURTHER, That such employees ((shall)) are not be permitted to perform activities or functions of a bartender.

NEW SECTION. Sec. 17. RCW 66.24.440 (Liquor by the drink, spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility, and VIP airport lounge license—Purchase of liquor by licensees—Discount) and 2011 c 325 s 3, 2009 c 271 s 8, 2007 c 370 s 20, 1998 c 126 s 8, 1997 c 321 s 29, & 1949 c 5 s 5 are each repealed."

Correct the title.

Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on General Government & Information Technology.

February 24, 2016

SB 6491 Prime Sponsor, Senator Pedersen: Concerning apostille or other signature or attestation services by the secretary of state. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6513 Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Concerning reservations of water in water resource inventory area 45. (REVISED FOR ENGROSSED: Concerning reservations of water in water resource inventory areas 18 and 45. ) Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6525 Prime Sponsor, Committee on Government Operations & Security: Concerning the state building code council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.27.085 and 1989 c 256 s 1 are each amended to read as follows:

(1) There is hereby created the building code council account in the state treasury. Moneys deposited into the account shall be used by the building code council, after appropriation, to perform the purposes of the council.

(2) All moneys collected under subsection (3) of this section shall be deposited into the building code council account. Every four years the state treasurer shall report to the legislature on the balances in the account so that the legislature may adjust the charges imposed under subsection (3) of this section.

(3) There is imposed a fee of four dollars and fifty cents on each building permit issued by a county or a city, plus an additional surcharge of two dollars for each residential unit, but not including the first unit, on each building containing more than one residential unit. Quarterly each county and city shall remit moneys collected under this section to the state treasury; however, no remittance is required until a minimum of fifty dollars has accumulated pursuant to this subsection. (4) In addition to the fees under subsection (3) of this section, there is imposed a temporary surcharge of one dollar on each residential building permit issued by a county or a city, and a temporary surcharge of five dollars and fifty cents for each nonresidential building permit issued by a county or a city. These temporary surcharges expire July 1, 2018.

Sec. 2. RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each amended to read as follows:

There is hereby established in the department of enterprise services a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of fifteen members:

(a) Two members must be county elected legislative body members or elected executives;

(b) Two members must be city elected legislative body members or mayors;

(c) One member must be a local government building code enforcement official;

(d) One member must be a local government fire service official;

(e) One member must be a person with a physical disability and shall represent the disability community;

(f) One member must represent the general public; and

(g) Seven members must represent the private sector as follows:

(i) One member shall represent general construction, specializing in commercial and industrial building construction;

((f)) (ii) One member shall represent general construction, specializing in residential and multifamily building construction;

((g)) (iii) One member shall represent the architectural design profession;

((h)) (iv) One member shall represent the structural engineering profession;

((i)) (v) One member shall represent the mechanical engineering profession;

((j)) (vi) One member shall represent the construction building trades;

((k)) (vii) One member shall represent manufacturers, installers, or suppliers of building materials and components(;

(l) One member must be a person with a physical disability and shall represent the disability community; and

(m) One member shall represent the general public)).

(2) At least six of these fifteen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d)(i) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.

(ii) Any member who is appointed after the effective date of this section to represent a specific private sector industry must maintain sufficiently similar private sector employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember appointed after the effective date of this section to represent a specific private sector industry enters into employment outside of the industry, or outside of the private sector, he or she has been appointed to represent, then he or she shall be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section.

(6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

((7) The department of enterprise services shall provide administrative and clerical assistance to the building code council.)

Sec. 3. RCW 19.27.074 and 1989 c 266 s 3 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single-family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council; and

(b) ((Employ permanent and temporary staff and contract for services; and

(c))) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

(3)(a) All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of statewide applicability shall be pursuant to the administrative procedure act, chapter 34.05 RCW.

(b) All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

(c) All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

(4) The department of enterprise services shall employ permanent and temporary staff and contract for services for the state building code council.

Sec. 4. RCW 19.27A.020 and 2015 c 11 s 3 are each amended to read as follows:

(1) The state building code council in the department of enterprise services shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the

Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. One climate zone includes: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties. The other climate zone includes all other counties not listed in this subsection (3). The assignment of a county to a climate zone may not be changed by adoption of a model code or rule. Nothing in this section prohibits the council from adopting the same rules or standards for each climate zone.

(4) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

(6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(7) The state building code council shall consult with the department of enterprise services as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of enterprise services shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in RCW 19.27A.140 apply throughout this section.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) A legislative task force on the state building code council's administration and operations is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall appoint the following eight members:

(A) Two current members of the building code council representing the private sector;

(B) One current member of the building code council representing local government;

(C) One current member of the building code council representing labor interests; and

(D) Four members who regularly work with the council, each representing one of the following: Local government, private sector interests, labor interests, and environmental interests.

(iv) The director of the department of enterprise services shall appoint one member from the department of enterprise services and one member from the department of commerce energy program.

(b) The task force shall choose its chair from among its legislative membership. The legislative members of the task force shall convene the initial meeting of the task force.

(2) The task force shall review and provide recommendations on the following issues:

(a) The current structure, operations, and resources of the council;

(b) The building code development process and length, including the policy and procedure, technical, and economic aspects including the public and private construction costs of review and adoption of the state building code;

(c) Total resources necessary for an effective state building code development process, including staffing and needs;

(d) Options for long-term, reliable funding of the council;

(e) The powers, duties, and support services of the department of enterprise services relevant to the council;

(f) Council membership, composition, and size; and

(g) The council's compliance with current statutes and requirements.

(3) Staff support for the task force must be provided by senate committee services and the office of program research.

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

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the appropriate committees of the legislature by October 1, 2017.

(7) This section expires October 1, 2017."

Correct the title.

Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016

ESB 6589 Prime Sponsor, Senator Bailey:  
Concerning a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

SJR 8210 Prime Sponsor, Senator Schoesler:  
Amending the Constitution to advance the date for completion of the redistricting plan. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2016, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker  
BARBARA BAKER, Chief Clerk

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