

TWENTY SIXTH DAY

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, May 19, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

MESSAGES FROM THE GOVERNOR

May 16, 2017

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

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2017, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5008  
Relating to facilitating compliance with the federal REAL ID act by modifying driver's license and identocard design and fees.

Substitute Senate Bill No. 5018  
Relating to authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes.

Substitute Senate Bill No. 5046  
Relating to providing public notices of public health, safety, and welfare in a language other than English.

Engrossed Senate Bill No. 5096 - PV  
Relating to transportation funding and appropriations.

Senate Bill No. 5119  
Relating to water-sewer districts.

Engrossed Senate Bill No. 5128  
Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act.

Senate Bill No. 5130  
Relating to increasing marijuana license fees and adding a temporary additional fee on marijuana licenses issued by the Washington state liquor and cannabis board.

Engrossed Substitute Senate Bill No. 5131

Relating to marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, processor wholesale events, certain transfers of plants and seeds, licensing agreements and contracts, residency requirements, and jurisdictional requirements.

Engrossed Substitute Senate Bill No. 5173  
Relating to loss prevention reviews by state agencies.

Engrossed Substitute Senate Bill No. 5198  
Relating to fire suppression methodologies.

Substitute Senate Bill No. 5322  
Relating to patient safeguards in agreements between dentists and third parties that provide support services to dentists.

Senate Bill No. 5331  
Relating to irrigation district administration.

Substitute Senate Bill No. 5346  
Relating to creating a legislative page scholarship program.

Substitute Senate Bill No. 5358  
Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.

Substitute Senate Bill No. 5402  
Relating to the Cooper Jones bicyclist safety advisory council.

Substitute Senate Bill No. 5435  
Relating to specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.

Senate Bill No. 5454  
Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district.

Substitute Senate Bill No. 5472  
Relating to requiring ballot drop boxes in all communities.

Engrossed Substitute Senate Bill No. 5628  
Relating to fire protection district formation by the legislative authority of a city or town subject to voter approval.

Senate Bill No. 5632  
Relating to organized retail theft.

Substitute Senate Bill No. 5705  
Relating to inspection and review of state contracted behavioral health and recovery agencies.

Substitute Senate Bill No. 5790 - PV  
Relating to the economic development element of the growth management act.

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Substitute Senate Bill No. 5835  
Relating to promoting healthy outcomes for pregnant women and infants.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

May 17, 2017

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

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2017, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5037 - PV  
Relating to making a fourth driving under the influence offense a felony.

Substitute Senate Bill No. 5289 - PV  
Relating to updating the distracted driving infraction.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Substitute Senate Bill No. 5293

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17<sup>th</sup> day of May, 2017.

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2017

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

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to court-based and school-based efforts to promote attendance and reduce truancy."

Engrossed Substitute Senate Bill No. 5293 makes several changes to existing truancy statutes, primarily to address issues resulting from legislative changes to the statutes in the 2015 session. Engrossed Substitute Senate Bill No. 5293 and Second Substitute House Bill No. 1170 were both passed by the Legislature this year and amend several of the same sections of law. The changes cannot all be successfully merged to result in single amendments to the statutes due to conflicting language. A veto will ensure there are not inconsistent amendments to the statutes.

For these reasons I have vetoed Engrossed Substitute Senate Bill No. 5293 in its entirety.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Senate Bill No. 5096

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17<sup>th</sup> day of May, 2017.

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2017

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 209(9), 215(6), 306(17), 702, 705, and 1303, Engrossed Senate Bill No. 5096 entitled:

"AN ACT Relating to transportation funding and appropriations."

**Section 209(9), pages 21-22, Department of Transportation, Toll Operations and Maintenance** Section 209(9) directs the Department of Transportation's Toll Operations and Maintenance program to study and report to the legislative transportation committees on the potential of converting two staffed tollbooths on the Tacoma Narrows Bridge to unstaffed. No funding was

provided for the study. For this reason, I have vetoed Section 209(9).

**Section 215(6), page 27, Department of Transportation, Highway Maintenance**

Section 215(6) requires the department to create and maintain a separate maintenance budget for the Hood Canal Bridge. The department is not required to maintain separate budgets for other bridges and roads, and this would limit the department's flexibility to manage its budget. For these reasons, I have vetoed Section 215(6).

**Section 306(17), page 43, Department of Transportation, Improvements**

Section 306(17) creates a new I-5/Exit 274 interchange project in Blaine to be funded with \$12,100,000 of Connecting Washington Account-State funds in the 2023-25 biennium. It directs the LEAP transportation document referenced in Section 306(1) to be modified accordingly. The I-5/Exit 274 interchange project in Blaine does not appear in LEAP Transportation Document 2017- 1, nor is there any information about project scope. This LEAP transportation document should not be amended for a project without sufficient information about its scope and cost. For this reason, I have vetoed Section 306(17).

**Section 702, pages 75-76, Settlement Funds Expenditure**

Section 702 provides a legislative finding that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary of the consent decree entered into between the United States, Volkswagen AG, and other parties that settle emission- related claims for certain models of diesel vehicles (commonly referred as the VW Settlement). Accordingly, the section provides that the omnibus capital budget for the Department of Ecology includes necessary provisions to administer the mitigation funds and development of the mitigation plan. The Legislature has not adopted an omnibus capital budget. Therefore, it is not possible to determine at this time what provisions the final capital budget may contain nor whether such provisions will be acceptable. For this reason, I have vetoed Section 702.

I will continue to work with the Legislature to ensure prompt administration of the settlement funds under the terms of the consent decree. I also have directed the departments of Ecology and Transportation to jointly develop the proposed mitigation plan for public comment and submittal to the trustee.

**Section 705, pages 78-79, DUI Fee**

Section 705 amends RCW 46.61.5054. This same statute was amended in two other bills -Section 5 of Senate Bill 5037 and Section 13 of Engrossed Second Substitute House Bill 1614, which I will sign into law on May 16, 2017. The amendment in Engrossed Second Substitute House Bill 1614 renders moot the amendment in Section 705. For this reason, I have vetoed Section 705.

**Section 1303, page 157, Effective Date of Section 705**

Section 1303 enables Section 705 of the transportation budget to take effect if Senate Bill 5037 is enacted by June 30, 2017. Since I am vetoing Section 705, this section is no longer required. For this reason, I have vetoed Section 1303.

For these reasons I have vetoed Sections 209(9), 215(6), 306(17), 702, 705, and 1303 of Engrossed Senate Bill No. 5096.

With the exception of Sections 209(9), 215(6), 306(17), 702, 705, and 1303, Engrossed Senate Bill No. 5096 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Senate Bill No. 5037

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17<sup>th</sup> day of May, 2017.

/s/

(Seal)

MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2017

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Senate Bill No. 5037 entitled:

"AN ACT Relating to making a fourth driving under the influence offense a felony."

Section 5 of this bill increases the \$200 fee assed to alcohol violators by \$50. The revenue is used to fund grants to organizations that operate programs to reduce driving under the influence of alcohol or drugs. This language is nearly identical to Section 13 of Engrossed Second Substitute House Bill 1614, which passed on April 21, 2017, and will soon be signed into law. However, Engrossed Second Substitute House Bill 1614 includes a provision that a minimum of \$300,000 of these grant funds shall support newly established pilot programs for persons with two or more prior offenses in seven years, a preferable approach.

For these reasons I have vetoed Section 5 of Senate Bill No. 5037. With the exception of Section 5, Senate Bill No. 5037 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

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MESSAGE FROM THE SECRETARY OF STATE

or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Substitute Senate Bill No. 5790

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17th day of May, 2017.

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

Substitute Senate Bill No. 5289

MESSAGE FROM THE GOVERNOR

May 16, 2017

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17th day of May, 2017.

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

Ladies and Gentlemen:

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 5790 entitled:

MESSAGE FROM THE GOVERNOR

May 16, 2017

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

"AN ACT Relating to the economic development element of the growth management act."

Ladies and Gentlemen:

The Growth Management Act (GMA) provides for a balanced approach between community economic development and the conservation of resource lands, such as farms and forests. Section 3 of this bill undermines that balance by favoring, in certain counties, economic development over the protection of these resource lands.

I am returning herewith, without my approval as to Section 5, Substitute Senate Bill No. 5289 entitled:

I am committed to supporting economic development across Washington State so all areas and communities thrive. This commitment includes working with legislators and stakeholders on how we better develop the economy of rural and other underserved areas. At the same time, I remain committed to fully supporting the GMA, which has created the framework for thoughtful growth and comprehensive development plans while protecting vital resource lands.

"AN ACT Relating to updating the distracted driving infraction."

During special session, I am willing to consider a more targeted bill that provides some additional flexibility to encourage economic development in rural communities, while maintaining the overall balanced approach within the GMA.

The bill creates a new traffic infraction that prohibits a person from using a personal electronic device while driving a motor vehicle on a public highway. Section 5 creates a delayed implementation date of January 1, 2019. I am vetoing this section because public safety is better served by implementing this bill this year.

Over the interim, it would also be helpful to reexamine how we encourage economic development in rural areas. This would be an appropriate topic for the broader review of the GMA as proposed in the Senate and House budgets.

For these reasons I have vetoed Section 5 of Substitute Senate Bill No. 5289. With the exception of Section 5, Substitute Senate Bill No. 5289 is approved.

For these reasons I have vetoed Section 3 of Substitute Senate Bill No. 5790. With the exception of Section 3, Substitute Senate Bill No. 5790 is approved.

Respectfully submitted,

/s/  
Jay Inslee  
Governor

Respectfully submitted,

/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MOTION

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections

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

INTRODUCTION AND FIRST READING

SB 5939 by Senator Ericksen

AN ACT Relating to promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling; amending RCW 82.16.120, 82.16.130, 82.08.962, 82.08.963, 82.12.962, and 82.12.963; adding new sections to chapter 82.16 RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 43.180 RCW; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5940 by Senator Keiser

AN ACT Relating to the presumption of occupational disease for certain employees at the United States department of energy Hanford site; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce, Labor & Sports.

## MOTION

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

## MOTION

At 10:04 a.m., on motion of Senator Schoesler, the Senate adjourned until 9:45 a.m. Monday, May 22, 2017.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate