

NINTH DAY, MAY 2, 2017

2017 1ST SPECIAL SESSION

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, May 2, 2017

The Senate was called to order at 11:01 a.m. by the Vice President Pro Tempore, Senator Honeyford presiding.

MOTION

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

MOTION

At 11:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:59 p.m. by President Pro Tempore Sheldon.

MOTION

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Takko, Erickson, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden)

Ensuring that water is available to support development.

The bill was read on Third Reading.

Senators Warnick, Takko and Angel spoke in favor of passage of the bill.

Senator Honeyford spoke on final passage of the bill.

Senators Chase and Nelson spoke against passage of the bill.

MOTION

On motion of Senator Saldaña, Senators Hunt, McCoy and Wellman were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5239.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Keiser, Kuderer, Liias, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Van De Wege

Excused: Senators Hunt, McCoy and Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5135, by Senators Rivers, Rolfes, Zeiger, Walsh, Angel, Keiser, Mullet, Cleveland, Hunt, Bailey, King, Warnick, Brown, Fain, Ranker, Van De Wege, Conway and Wellman

Modifying the Washington main street program by increasing the total amount of tax credits allowed under the program and making administrative changes to the program.

MOTIONS

On motion of Senator Rivers, Second Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Second Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Mullet and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Hunt, McCoy and Wellman

SECOND SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Takko, Brown, Hawkins, Liias, Schoesler, Honeyford and Fortunato)

Concerning the protection of composting from nuisance lawsuits.

The bill was read on Third Reading.

Senators Warnick and Chase spoke in favor of passage of the bill.

Senator Mullet spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, Kuderer, Liias, Miloscia, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Frockt, Keiser, Mullet, Nelson and Ranker

Excused: Senators Hunt, McCoy and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5316, by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown, Zeiger and Wilson

Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

The bill was read on Third Reading.

MOTION

On motion of Senator Fortunato, the rules were suspended and Senate Bill No. 5316 was returned to second reading for the purpose of amendment.

MOTION

Senator Fortunato moved that the following floor striking amendment no. 280 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1305. RELATING TO ACCOUNTABILITY & REFORM. The following sections are decodified:

- (1) RCW 43.88.910 (Effective date—1975 1st ex.s. c 293);
- (2) RCW 43.105.902 (Effective date—1987 c 504);
- (3) RCW 43.105.903 (Effective date—1999 c 285);
- (4) RCW 43.320.012 (Department of general administration and department of licensing equipment, records, funds transferred);
- (5) RCW 43.320.013 (Department of general administration and department of licensing civil service employees transferred);
- (6) RCW 43.320.014 (Department of general administration or department of licensing rules, business, contracts, and obligations continued);
- (7) RCW 43.320.015 (Department of general administration and department of licensing—Validity of acts);
- (8) RCW 43.320.016 (Apportionment of budgeted funds); and
- (9) RCW 43.320.901 (Implementation—1993 c 472).

Sec. 1306. RCW 43.88.0301 and 2002 c 312 s 1 are each amended to read as follows:

RELATING TO ACCOUNTABILITY & REFORM.

(1) The office of financial management must include in its capital budget instructions, beginning with its instructions for the 2003-05 capital budget, a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over five million dollars and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

(ii) Whether local and additional funds were leveraged;

(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030(~~(3)~~) (5) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

Sec. 1307. RCW 43.320.017 and 1993 c 472 s 13 are each amended to read as follows:

SECTION 1 CONFORMING AMENDMENT.

Nothing contained in RCW 43.320.011 (~~through 43.320.015~~) may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the expiration date of the current agreement or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

NEW SECTION. Sec. 1308. RELATING TO AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT. The following sections are decodified:

- (1) RCW 15.15.900 (Effective date—1997 c 176);
- (2) RCW 15.49.920 (Effective date—1969 c 63);
- (3) RCW 15.49.950 (Severability—1969 c 63);
- (4) RCW 15.51.900 (Effective date—2007 c 181);
- (5) RCW 15.54.930 (Effective date—1967 ex.s. c 22);
- (6) RCW 15.58.900 (Effective date—1971 ex.s. c 190);
- (7) RCW 15.58.901 (Effective date—2000 c 96); and
- (8) RCW 15.58.943 (Effective date—2003 c 212).

NEW SECTION. Sec. 1309. RELATING TO COMMERCE & LABOR. The following sections are decodified:

- (1) RCW 41.58.900 (Effective dates—1975-'76 2nd ex.s. c 5);
- (2) RCW 41.58.901 (Effective date—1975 1st ex.s. c 296 §§ 4, 6, and 8 through 39);
- (3) RCW 50.06.010 (Purpose);
- (4) RCW 50.13.010 (Legislative intent and recognition);
- (5) RCW 50.13.910 (Legislative designation and placement);
- (6) RCW 50.38.900 (Effective date—1982 c 43);
- (7) RCW 50.38.902 (Effective date—1993 c 62);
- (8) RCW 50.60.902 (Effective date—1983 c 207);
- (9) RCW 50.65.905 (Effective date—1987 c 167);
- (10) RCW 50.70.902 (Effective date—1991 c 315);
- (11) RCW 50.98.080 (Effective date—1945 c 35);
- (12) RCW 69.50.545 (Departments of social and health services, health—Adoption of rules for disbursement of marijuana excise taxes);
- (13) RCW 69.50.606 (Repealers); and
- (14) RCW 69.50.607 (Effective date—1971 ex.s. c 308).

NEW SECTION. Sec. 1310. RELATING TO COMMERCE & LABOR. The following acts or parts of acts are each repealed:

- (1) RCW 66.08.230 (Initial disbursement to wine commission—Repayment) and 1987 c 452 s 12;
- (2) RCW 66.08.250 (Report on streamlining liquor tax collection) and 2013 c 95 s 2;

(3) RCW 66.12.020 (Sales of liquor to board) and 1933 ex.s. c 62 s 48; and

(4) RCW 69.50.1011 (Definition—Commission) and 2013 c 19 s 86.

NEW SECTION. Sec. 1311. RELATING TO EARLY LEARNING & K-12 EDUCATION. The following sections are decodified:

(1) RCW 28A.315.075 (Effect of 1999 c 315—Existing provisions not affected);

(2) RCW 43.215.903 (Severability—1988 c 174); and

(3) RCW 43.215.905 (Effective date—2006 c 265).

NEW SECTION. Sec. 1312. RELATING TO EARLY LEARNING & K-12 EDUCATION. The following acts or parts of acts are each repealed:

(1) RCW 28A.305.900 (Transfer of powers and duties—State board of education) and 2005 c 497 s 301;

(2) RCW 28A.305.901 (Transfer of powers and duties—Academic achievement and accountability commission) and 2005 c 497 s 302;

(3) RCW 28A.400.201 (Enhanced salary allocation model for educator development and certification—Technical working group—Report and recommendation) and 2016 c 162 s 4, 2011 1st sp.s. c 43 s 468, 2010 c 236 s 7, & 2009 c 548 s 601;

(4) RCW 28A.630.005 (Pilot project to assist school-age children in short-term foster care) and 2002 c 326 s 2;

(5) 2009 c 548 s 302 (uncodified); and

(6) 2010 c 236 s 6 (uncodified).

NEW SECTION. Sec. 1313. RELATING TO ENERGY, ENVIRONMENT & TELECOMMUNICATIONS. The following acts or parts of acts are each repealed:

(1) RCW 70.94.505 (Woodsmoke emissions—Work group) and 2007 c 339 s 3;

(2) RCW 70.95H.005 (Finding) and 1991 c 319 s 201;

(3) RCW 70.95H.007 (Center created) and 1995 c 399 s 192 & 1991 c 319 s 202;

(4) RCW 70.95H.010 (Purpose—Market development defined) and 1991 c 319 s 203;

(5) RCW 70.95H.030 (Duties and responsibilities) and 2015 c 225 s 108, 1992 c 131 s 2, & 1991 c 319 s 205;

(6) RCW 70.95H.040 (Authority) and 1991 c 319 s 206;

(7) RCW 70.95H.050 (Funding) and 1995 c 399 s 194 & 1991 c 319 s 207;

(8) RCW 70.95H.900 (Termination) and 1991 c 319 s 209;

(9) RCW 70.95N.270 (Reports) and 2006 c 183 s 28;

(10) RCW 70.104.070 (Pesticide incident reporting and tracking review panel—Intent) and 1989 c 380 s 67;

(11) RCW 70.104.090 (Pesticide panel—Responsibilities) and 1991 c 3 s 364 & 1989 c 380 s 69;

(12) RCW 70.105A.035 (Revision of fees to provide a waste reduction and recycling incentive) and 1989 c 2 s 16;

(13) RCW 70.220.060 (Funding report required by April 30, 2007) and 2005 c 305 s 6; and

(14) RCW 80.36.901 (Legislative review of 1985 c 450—1989 c 101) and 1989 c 101 s 18 & 1985 c 450 s 44.

Sec. 1314. RCW 70.95.532 and 2010 c 247 s 704 are each amended to read as follows:

RELATING TO ENERGY, ENVIRONMENT & TELECOMMUNICATIONS.

(1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

(2) On September 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.

~~((3) During the 2009-2011 fiscal biennium, the legislature may transfer any cash balance in excess of one million dollars from the waste tire removal account to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.))~~

Sec. 1315. RCW 80.01.080 and 2010 1st sp.s. c 37 s 950 are each amended to read as follows:

RELATING TO ENERGY, ENVIRONMENT & TELECOMMUNICATIONS.

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

~~((During the 2009-2011 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.))~~

NEW SECTION. Sec. 1316. SECTION 9 CONFORMING REPEALER. RCW 70.104.100 (Industrial insurance statutes not affected) and 1989 c 380 s 70 are each repealed.

NEW SECTION. Sec. 1317. RELATING TO FINANCIAL INSTITUTIONS & INSURANCE. The following sections are decodified:

(1) RCW 48.20.322 (Effective date of standard provision and certain other sections—Five year period); and

(2) RCW 48.23.520 (Operative date of RCW 48.23.410 through 48.23.520).

NEW SECTION. Sec. 1318. RELATING TO FINANCIAL INSTITUTIONS & INSURANCE. The following acts or parts of acts are each repealed:

(1)RCW 30A.24.080 (Securities in default ineligible) and 1955 c 33 s 30.24.080;

(2)RCW 31.04.185 (Repealed sections of law—Rules adopted under) and 1994 c 92 s 173 & 1991 c 208 s 19;

(3)RCW 31.04.501 (Implementation) and 2009 c 149 s 9;

(4)RCW 31.45.095 (Report by director—Contents) and 2009 c 510 s 7; and

(5)RCW 48.102.190 (Existing viatical settlement licenses—July 26, 2009) and 2009 c 104 s 22.

Sec. 1319. RCW 48.17.563 and 1994 c 131 s 6 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

(1) The commissioner may require insurance education providers to furnish specific information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers who demonstrate the ability to conduct and certify completion of one or more courses satisfying the insurance education requirements of RCW 48.17.150.

(2) Provider and course approvals are valid for the time period established by the commissioner and shall expire if not timely renewed. Each provider shall pay the renewal fee set forth in RCW 48.14.010(1)(n).

~~((3) In granting approvals for courses required by RCW 48.17.150(1)(d):~~

~~(a) The commissioner may require the availability of a licensed agent with appropriate experience on the premises whenever instruction is being offered; and~~

~~(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.))~~

Sec. 1320. RCW 48.18A.035 and 2008 c 217 s 19 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

~~((4))~~ Every individual variable contract issued shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the market value of the assets purchased by its premium, less taxes and investment brokerage commissions, if any, refunded, if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or insurance producer. If a policy owner pursuant to such notice returns the policy to the insurer at its home or branch office or to the insurance producer through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

~~((2) No later than January 1, 2010, or when the insurer has used all of its existing paper variable contract forms which were in its possession on July 1, 2009, whichever is earlier, the notice required by subsection (1) of this section shall use the term insurance producer in place of agent.))~~

Sec. 1321. RCW 48.25.140 and 2008 c 217 s 33 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

~~((4))~~ There shall be a provision that no insurance producer shall have the power or authority to waive, change, or alter any of the terms or conditions of any policy; except that, at the option of the insurer, the terms or conditions may be changed by an endorsement signed by a duly authorized officer of the insurer.

~~((2) No later than January 1, 2010, or when the insurer has used all of its existing paper industrial life insurance contract forms which were in its possession on July 1, 2009, whichever is earlier, the notice required by subsection (1) of this section shall use the term insurance producer in place of agent.))~~

Sec. 1322. RCW 48.29.015 and 2008 c 110 s 2 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

(1) A title insurance agent shall maintain records of its title orders sufficient to indicate the source of the title orders.

(2) Every title insurance agent shall file with the commissioner annually by March 15th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for filing, a report, on a form prescribed by the commissioner, setting forth:

(a) The names and addresses of those persons, if any, who have had a financial interest in the title insurance agent during the calendar year, who are known or reasonably believed by the title insurance agent to be producers of title business or associates of producers; and

(b) The percent of title orders originating from each person who owns, or had owned during the preceding calendar year, a financial interest in the title insurance agent.

(3) Each title insurance agent shall keep current the information required by that portion of the report required by subsection (2)(a) of this section by reporting all changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

(4) Each title insurance agent shall file that portion of the report required by subsection (2)(a) of this section with its application for a license.

~~((5) Each title insurance agent licensed on June 12, 2008, shall file the report required under this section within thirty days after June 12, 2008.))~~

Sec. 1323. RCW 48.31.115 and 2005 c 432 s 2 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

(1) The persons entitled to protection under this section are:

(a) The commissioner and any other receiver or administrative supervisor responsible for conducting a delinquency proceeding under this chapter, including present and former commissioners, administrative supervisors, and receivers; and

(b) The commissioner's employees, meaning all present and former special deputies and assistant special deputies and special receivers and special administrative supervisors appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this chapter. Attorneys, accountants, auditors, and other professional persons or firms who are retained as independent contractors, and their employees, are not considered employees of the commissioner for purposes of this section.

(2) The commissioner and the commissioner's employees are immune from suit and liability, both personally and in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment. However, nothing in this subsection may be construed to hold the commissioner or an employee immune from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the commissioner or an employee.

(3) If a legal action is commenced against the commissioner or an employee, whether against him or her personally or in his or her official capacity, alleging property damage, property loss, personal injury, or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment, the commissioner and any employee shall be indemnified from the assets of the insurer for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action unless it is determined upon a final adjudication on the merits that the alleged act or omission of the commissioner or employee giving rise to the claim did not arise out of or by reason of his or her duties or employment, or was caused by intentional or willful and wanton misconduct.

(a) Attorneys' fees and related expenses incurred in defending a legal action for which immunity or indemnity is available under this section shall be paid from the assets of the insurer, as they are incurred, in advance of the final disposition of such action upon receipt of an undertaking by or on behalf of the commissioner or employee to repay the attorneys' fees and expenses if it is ultimately determined upon a final adjudication on the merits and

that the commissioner or employee is not entitled to immunity or indemnity under this section.

(b) Any indemnification under this section is an administrative expense of the insurer.

(c) In the event of an actual or threatened litigation against the commissioner or an employee for which immunity or indemnity may be available under this section, a reasonable amount of funds that in the judgment of the commissioner may be needed to provide immunity or indemnity shall be segregated and reserved from the assets of the insurer as security for the payment of indemnity until all applicable statutes of limitation have run or all actual or threatened actions against the commissioner or an employee have been completely and finally resolved, and all obligations of the insurer and the commissioner under this section have been satisfied.

(d) In lieu of segregation and reserving of funds, the commissioner may obtain a surety bond or make other arrangements that will enable the commissioner to secure fully the payment of all obligations under this section.

(4) If a legal action against an employee for which indemnity may be available under this section is settled before final adjudication on the merits, the insurer shall pay the settlement amount on behalf of the employee, or indemnify the employee for the settlement amount, unless the commissioner determines:

(a) That the claim did not arise out of or by reason of the employee's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the employee.

(5) In a legal action in which the commissioner is a defendant, that portion of a settlement relating to the alleged act or omission of the commissioner is subject to the approval of the court before which the delinquency proceeding is pending. The court may not approve that portion of the settlement if it determines:

(a) That the claim did not arise out of or by reason of the commissioner's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the commissioner.

(6) Nothing in this section removes or limits an immunity, indemnity, benefit of law, right, or defense otherwise available to the commissioner, an employee, or any other person, not an employee under subsection (1)(b) of this section, who is employed by or in the office of the commissioner or otherwise employed by the state.

~~((7)(a) Subsection (2) of this section applies to any suit based in whole or in part on an alleged act or omission that takes place on or after July 25, 1993.~~

~~(b) No legal action lies against the commissioner or an employee based in whole or in part on an alleged act or omission that took place before July 25, 1993, unless suit is filed and valid service of process is obtained within twelve months after July 25, 1993.~~

~~(c) Subsections (3), (4), and (5) of this section apply to a suit that is pending on or filed after July 25, 1993, without regard to when the alleged act or omission took place.))~~

Sec. 1324. RCW 21.20.880 and 2014 c 144 s 3 are each amended to read as follows:

(1) Any offer or sale of a security is exempt from RCW 21.20.040 through 21.20.300 and 21.20.327, except as expressly provided, if:

(a) The offering is first declared exempt by the director after:

(i) The issuer files the offering with the director; or

(ii) A portal working in collaboration with the director files the offering with the director on behalf of the issuer under RCW 21.20.883;

(b) The offering is conducted in accordance with the requirements of section 3(a)(11) of the securities act of 1933 and

securities and exchange commission rule 147, 17 C.F.R. Sec. 230.147;

(c) The issuer is an entity organized and doing business in the state of Washington;

(d) Each investor provides evidence or certification of residency in the state of Washington at the time of purchase;

(e) The issuer files with the director an escrow agreement either directly or through a portal providing that all offering proceeds will be released to the issuer only when the aggregate capital raised from all investors equals or exceeds the minimum target offering, as determined by the director;

(f) The aggregate purchase price of all securities sold by an issuer pursuant to the exemption provided by this section does not exceed one million dollars during any twelve-month period;

(g) The aggregate amount sold to any investor by one or more issuers during the twelve-month period preceding the date of the sale does not exceed:

(i) The greater of two thousand dollars or five percent of the annual income or net worth of the investor, as applicable, if either the annual income or the net worth of the investor is less than one hundred thousand dollars; or

(ii) Ten percent of the annual income or net worth of the investor, as applicable, up to one hundred thousand dollars, if either the annual income or net worth of the investor is one hundred thousand dollars or more;

(h) The investor acknowledges by manual or electronic signature the following statement conspicuously presented at the time of sale on a page separate from other information relating to the offering: "I acknowledge that I am investing in a high-risk, speculative business venture, that I may lose all of my investment, and that I can afford the loss of my investment";

(i) The issuer reasonably believes that all purchasers are purchasing for investment and not for sale in connection with a distribution of the security; and

(j) The issuer and investor provide any other information reasonably requested by the director.

(2) Attempted compliance with the exemption provided by this section does not act as an exclusive election. The issuer may claim any other applicable exemption.

(3) For as long as securities issued under the exemption provided by this section are outstanding, the issuer shall provide a quarterly report to the issuer's shareholders and the director by making such report publicly accessible, free of charge, at the issuer's internet web site address within forty-five days of the end of each fiscal quarter. The report must contain the following information:

(a) Executive officer and director compensation, including specifically the cash compensation earned by the executive officers and directors since the previous report and on an annual basis, and any bonuses or other compensation, including stock options or other rights to receive equity securities of the issuer or any affiliate of the issuer, received by them; and

(b) A brief analysis by management of the issuer of the business operations and financial condition of the issuer.

(4) Securities issued under the exemption provided by this section may not be transferred by the purchaser during a one-year period beginning on the date of purchase, unless the securities are transferred:

(a) To the issuer of the securities;

(b) To an accredited investor;

(c) As part of a registered offering; or

(d) To a member of the family of the purchaser or the equivalent, or in connection with the death or divorce or other similar circumstances, in the discretion of the director.

(5) The director shall adopt disqualification provisions under which this exemption shall not be available to any person or its predecessors, affiliates, officers, directors, underwriters, or other related persons. The provisions shall be substantially similar to the disqualification provisions adopted by the securities and exchange commission pursuant to the requirements of section 401(b)(2) of the Jobs act of 2012 or, if none, as adopted in Rule 506 of Regulation D. Notwithstanding the foregoing, this exemption shall become available on June 12, 2014.

(6) Subject to RCW 21.20.450, the director may adopt, amend, or repeal rules to implement this section and RCW 21.20.883, including the establishment of filing and transaction fees sufficient to cover the costs of administering RCW 21.20.883 and this section.

NEW SECTION. Sec. 1325. RELATING TO GOVERNMENT OPERATIONS & SECURITY. The following sections are decodified:

(1) RCW 29A.04.903 (Effective date—2003 c 111);

(2) RCW 29A.04.905 (Effective date—2004 c 271);

(3) RCW 35.98.020 (Title, chapter, section headings not part of law);

(4) RCW 35.98.050 (Emergency—1965 c 7);

(5) RCW 35A.90.030 (Title, chapter, section headings not part of law);

(6) RCW 35A.90.040 (Effective date—1967 ex.s. c 119);

(7) RCW 42.56.901 (Part headings not law—2005 c 274);

(8) RCW 42.56.902 (Effective date—2005 c 274); and

(9) RCW 42.56.903 (Effective date—2006 c 209).

NEW SECTION. Sec. 1326. RELATING TO GOVERNMENT OPERATIONS & SECURITY. RCW 35.13A.0301 (Assumption of water-sewer district before July 1, 1999—Limitations) and 1998 c 326 s 3 are each repealed.

NEW SECTION. Sec. 1327. RELATING TO HEALTH CARE. RCW 71A.10.805 (Headings in Title 71A RCW not part of law) is decodified.

NEW SECTION. Sec. 1328. RELATING TO HEALTH CARE. The following acts or parts of acts are each repealed:

(1) RCW 41.05.019 (Direct patient-provider primary care practices—Plan) and 2011 1st sp.s. c 8 s 2;

(2) RCW 41.05.230 (Multicultural health care technical assistance program) and 1993 c 492 s 272;

(3) RCW 41.05.655 (School district health benefits—Reports) and 2012 2nd sp.s. c 3 s 6;

(4) RCW 70.22.005 (Transfer of duties to the department of health) and 1989 1st ex.s. c 9 s 246;

(5) RCW 70.47A.010 (Finding—Intent) and 2007 c 260 s 1 & 2006 c 255 s 1;

(6) RCW 70.47A.020 (Definitions) and 2011 c 287 s 1, 2008 c 143 s 1, 2007 c 260 s 2, & 2006 c 255 s 2;

(7) RCW 70.47A.030 (Health insurance partnership established—Administrator duties) and 2011 c 287 s 2, 2009 c 257 s 1, 2008 c 143 s 2, 2007 c 259 s 58, & 2006 c 255 s 3;

(8) RCW 70.47A.040 (Applications for premium subsidies) and 2009 c 257 s 2, 2008 c 143 s 3, 2007 c 260 s 6, & 2006 c 255 s 4;

(9) RCW 70.47A.050 (Enrollment to remain within appropriation) and 2011 c 287 s 3, 2007 c 260 s 12, & 2006 c 255 s 5;

(10) RCW 70.47A.060 (Rules) and 2007 c 260 s 13 & 2006 c 255 s 6;

(11) RCW 70.47A.070 (Reports) and 2009 c 257 s 3, 2008 c 143 s 4, & 2006 c 255 s 7;

(12) RCW 70.47A.080 (Health insurance partnership account) and 2007 c 260 s 14 & 2006 c 255 s 8;

(13)RCW 70.47A.090 (State children's health insurance program—Federal waiver request) and 2006 c 255 s 9;

(14)RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;

(15)RCW 70.47A.110 (Health insurance partnership board—Duties) and 2011 c 287 s 4, 2008 c 143 s 5, & 2007 c 260 s 5;

(16)RCW 70.47A.901 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 152; and

(17)RCW 71A.20.190 (Developmental disability service system task force) and 2015 c 225 s 111 & 2011 1st sp.s. c 30 s 8.

Sec. 1329. RCW 43.70.900 and 2015 1st sp.s. c 4 s 31 are each amended to read as follows:

SECTION 24 CONFORMING AMENDMENT.

All references to the secretary or department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.080, 18.104.005, 70.08.005, (~~(70.22.005,)~~) 70.24.005, 70.40.005, 70.41.005, and 70.54.005.

NEW SECTION. Sec. 1330. RELATING TO HIGHER EDUCATION. The following acts or parts of acts are each repealed:

(1)RCW 28B.65.010 (Legislative findings) and 1983 1st ex.s. c 72 s 2;

(2)RCW 28B.65.020 (Definitions) and 1983 1st ex.s. c 72 s 3;

(3)RCW 28B.65.030 (Washington state high-technology education and training program established—Goals) and 1983 1st ex.s. c 72 s 4;

(4)RCW 28B.65.040 (Washington high-technology coordinating board created—Members—Travel expenses) and 2012 c 229 s 539 & 1995 c 399 s 29;

(5)RCW 28B.65.050 (Board—Duties—Rules—Termination of board) and 2012 c 229 s 540, 1998 c 245 s 22, & 1995 c 399 s 30;

(6)RCW 28B.65.060 (Board—Staff support) and 1995 c 399 s 31, 1985 c 381 s 3, & 1983 1st ex.s. c 72 s 7;

(7)RCW 28B.65.070 (Board—Solicitation of private and federal support, gifts, conveyances, etc.) and 1983 1st ex.s. c 72 s 8;

(8)RCW 28B.65.080 (Consortium and baccalaureate degree training programs—Board recommendations—Requirements—Coordination) and 1983 1st ex.s. c 72 s 9;

(9)RCW 28B.65.110 (Statewide off-campus telecommunications system—Establishment by Washington State University for education in high-technology fields);

(10)RCW 28B.65.900 (Short title—1983 1st ex.s. c 72) and 1983 1st ex.s. c 72 s 1; and

(11)RCW 28B.65.905 (Effective date—1983 1st ex.s. c 72) and 1983 1st ex.s. c 72 s 18.

NEW SECTION. Sec. 1331. RELATING TO HUMAN SERVICES, MENTAL HEALTH & HOUSING. The following sections are decodified:

(1) RCW 10.77.900 (Savings—Construction—1973 1st ex.s. c 117);

(2) RCW 10.77.920 (Chapter successor to chapter 10.76 RCW);

(3) RCW 10.77.930 (Effective date—1973 1st ex.s. c 117);

(4) RCW 71.05.910 (Construction—1973 1st ex.s. c 142);

(5) RCW 71.05.920 (Section headings not part of the law);

(6) RCW 71.05.930 (Effective date—1973 1st ex.s. c 142);

(7) RCW 71.24.900 (Effective date—1967 ex.s. c 111);

(8) RCW 71.34.901 (Effective date—1985 c 354);

(9) RCW 74.14B.900 (Captions); and

(10) RCW 74.18.903 (Effective dates—1983 c 194).

NEW SECTION. Sec. 1332. RELATING TO HUMAN SERVICES, MENTAL HEALTH & HOUSING. The following acts or parts of acts are each repealed:

(1)RCW 2.56.031 (Juvenile offender information—Plan) and 2010 1st sp.s. c 7 s 61 & 1993 c 415 s 2;

(2)RCW 10.77.810 (Joint legislative audit and review committee assessment—Report) and 2012 c 256 s 9;

(3)RCW 10.77.820 (Washington state institute for public policy study—Report) and 2012 c 256 s 10;

(4)RCW 71.24.055 (Children's mental health services—Children's access to care standards and benefit package—Recommendations to legislature) and 2014 c 225 s 47 & 2007 c 359 s 4;

(5)RCW 74.12.901 (Federal waivers and legislation—1994 c 299) and 1994 c 299 s 39;

(6)RCW 74.12A.030 (Federal waiver—Governor to seek) and 1993 c 312 s 12; and

(7)RCW 74.13.017 (Accreditation—Completion date) and 2003 c 207 s 8 & 2001 c 265 s 2.

NEW SECTION. Sec. 1333. RELATING TO LAW & JUSTICE. The following sections are decodified:

(1) RCW 5.45.920 (Repeal of inconsistent provisions); and

(2) RCW 46.61.990 (Recodification of sections—Organization of chapter—Construction).

NEW SECTION. Sec. 1334. RELATING TO LAW & JUSTICE. The following acts or parts of acts are each repealed:

(1)RCW 2.56.250 (Revocation of concealed pistol licenses—Information transmittal—Work group) and 2010 c 274 s 601;

(2)RCW 9.04.040 (Advertising cures of lost sexual potency—Evidence) and 1921 c 168 s 2; and

(3)RCW 26.50.800 (Recidivism study) and 2012 c 223 s 10.

NEW SECTION. Sec. 1335. RELATING TO LAW & JUSTICE. RCW 42.32.030 is recodified as a section in chapter 42.30 RCW.

Sec. 1336. RCW 29A.04.510 and 2003 c 111 s 149 are each amended to read as follows:

SECTION 31 CONFORMING AMENDMENT.

(1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:

(a) The secretary of state or the secretary's designee;

(b) The state director of elections or the director's designee;

(c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates, each appointee and alternate to serve at the pleasure of the association;

(d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;

(e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and

(f) One representative from each major political party, designated by and serving at the pleasure of the chair of the party's state central committee.

(2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the Open Public Meetings Act, and RCW 42.32.030 (as recodified by this act) regarding minutes of meetings, apply to the meetings of the board.

(3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

Sec. 1337. RCW 35A.39.010 and 1995 c 21 s 2 are each amended to read as follows:

SECTION 31 CONFORMING AMENDMENT.

Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi-judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 (as recodified by this act) and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

Sec. 1338. RCW 44.05.080 and 2011 c 60 s 42 are each amended to read as follows:

SECTION 31 CONFORMING AMENDMENT.

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030 (as recodified by this act);

(6) Be subject to the provisions of RCW 42.17A.700;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

NEW SECTION. Sec. 1339. RELATING TO NATURAL RESOURCES & PARKS. The following sections are decodified:

(1) RCW 77.15.902 (Savings—1998 c 190);

(2) RCW 77.50.900 (Purpose—2000 c 107);

(3) RCW 77.65.900 (Effective date—1989 c 316); and

(4) RCW 77.105.900 (Effective date—1993 sp.s. c 2 §§ 7, 60, 80, and 82-100).

NEW SECTION. Sec. 1340. RELATING TO NATURAL RESOURCES & PARKS. The following acts or parts of acts are each repealed:

(1) RCW 43.30.8351 (Progress report) and 2009 c 163 s 3;

(2) RCW 76.01.080 (Lacey compound—Light industrial facilities/land—Sale or exchange) and 2001 c 189 s 1;

(3) RCW 76.01.090 (Proposal for exchange or sale—Lacey compound site) and 2001 c 189 s 2;

(4) RCW 76.09.380 (Report to the legislature—Emergency rules—Permanent rules) and 1999 sp.s. c 4 s 205;

(5) RCW 77.12.605 (Whidbey Island game farm—Sale of property) and 1999 c 205 s 1;

(6) RCW 77.12.710 (Game fish production—Double by year 2000) and 1998 c 245 s 159, 1995 c 399 s 208, 1993 sp.s. c 2 s 70, & 1990 c 110 s 2;

(7) RCW 79A.20.005 (Findings) and 1992 c 153 s 2;

(8) RCW 79A.20.010 (Definitions) and 1992 c 153 s 3;

(9) RCW 79A.20.030 (Allocation and distribution of moneys) and 1994 c 264 s 30 & 1992 c 153 s 5; and

(10) RCW 79A.20.900 (Short title) and 1992 c 153 s 1.

Sec. 1341. RCW 77.125.040 and 2001 c 86 s 4 are each amended to read as follows:

RELATING TO NATURAL RESOURCES & PARKS.

Rules to implement this chapter shall be adopted no sooner than thirty days following the end of the 2002 regular legislative session. ~~((The director shall provide a written report to the appropriate legislative committees by January 1, 2003, on the progress of the program.))~~

NEW SECTION. Sec. 1342. RELATING TO TRADE & ECONOMIC DEVELOPMENT. The following sections are decodified:

(1) RCW 43.31A.400 (Economic assistance authority abolished—Transfer of duties to department of revenue);

(2) RCW 43.63A.902 (Headings—1984 c 125); and

(3) RCW 43.63A.903 (Effective date—1984 c 125).

NEW SECTION. Sec. 1343. RELATING TO TRADE & ECONOMIC DEVELOPMENT. The following acts or parts of acts are each repealed:

(1) RCW 43.31.088 (Business assistance center—ISO-9000 quality standards) and 1994 c 140 s 2;

(2) RCW 43.31.522 (Marketplace program—Definitions) and 2009 c 565 s 29, 2005 c 136 s 17, 1993 c 280 s 46, 1990 c 57 s 2, & 1989 c 417 s 2;

(3) RCW 43.31.524 (Marketplace program—Generally) and 1993 c 280 s 47, 1990 c 57 s 3, & 1989 c 417 s 3;

(4) RCW 43.31.800 (State international trade fairs—"Director" defined) and 2009 c 565 s 30, 1993 c 280 s 52, 1987 c 195 s 4, & 1965 c 148 s 2;

(5) RCW 43.31.805 (State trade fair fund) and 1998 c 345 s 3;

(6) RCW 43.31.810 (State international trade fairs—State aid eligibility requirements) and 1987 c 195 s 5, 1975 1st ex.s. c 292 s 3, & 1965 c 148 s 3;

(7) RCW 43.31.820 (State international trade fairs—Application for funds) and 1987 c 195 s 6, 1975 1st ex.s. c 292 s 4, & 1965 c 148 s 4;

(8) RCW 43.31.830 (State international trade fairs—Certification of fairs—Allotments—Division and payment from state trade fair fund) and 1993 c 280 s 53, 1987 c 195 s 7, 1975 1st ex.s. c 292 s 5, & 1965 c 148 s 5;

(9) RCW 43.31.832 (State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Expenditure) and 1985 c 466 s 34, 1981 2nd ex.s. c 2 s 1, 1975 1st ex.s. c 292 s 8, & 1972 ex.s. c 93 s 2;

(10) RCW 43.31.833 (State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction) and 1987 c 195 s 8, 1985 c 466 s 35, & 1972 ex.s. c 93 s 3;

(11) RCW 43.31.834 (State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction) and 1985 c 466 s 36 & 1972 ex.s. c 93 s 4;

(12)RCW 43.31.840 (State international trade fairs—Post audit of participating fairs—Reports) and 1993 c 280 s 54, 1975 1st ex.s. c 292 s 6, & 1965 c 148 s 6;

(13)RCW 43.31.850 (State international trade fairs—State international trade fair defined) and 1987 c 195 s 9, 1975 1st ex.s. c 292 s 7, & 1965 c 148 s 8;

(14)RCW 43.374.005 (Finding—Intent—Purpose) and 2010 1st sp.s. c 13 s 1; and

(15)RCW 43.374.020 (Washington global health technologies and product development account) and 2010 1st sp.s. c 13 s 3.

NEW SECTION. Sec. 1344. RELATING TO TRANSPORTATION. The following acts or parts of acts are each repealed:

(1)RCW 47.01.141 (Biennial report) and 1987 c 505 s 49, 1984 c 7 s 75, 1977 c 75 s 68, & 1973 2nd ex.s. c 12 s 1;

(2)RCW 47.01.321 (Skills bank—Report) and 2003 c 363 s 203;

(3)RCW 47.01.350 (Ferry grant program) and 2008 c 45 s 1, 2007 c 223 s 2, & 2006 c 332 s 4;

(4)RCW 47.01.360 (Backup plan for passenger-only ferry service between Vashon and Seattle) and 2006 c 332 s 6;

(5)RCW 47.01.400 (Alaskan Way viaduct, Seattle Seawall, and state route No. 520 improvements—Expert review panel—Governor's finding) and 2006 c 311 s 28;

(6)RCW 47.01.405 (State route No. 520 improvements—Project impact plan—Mediator, duties) and 2007 c 517 s 2;

(7)RCW 47.01.406 (State route No. 520 improvements—Review of project design plans—Goals) and 2007 c 517 s 3;

(8)RCW 47.01.410 (State route No. 520 improvements—Multimodal transportation plan) and 2007 c 517 s 6;

(9)RCW 47.01.418 (State route No. 520 improvements—Work group, subgroups—Corridor projects) and 2009 c 472 s 3;

(10)RCW 47.60.645 (Passenger ferry account) and 2009 c 8 s 504, 2008 c 45 s 2, 2006 c 332 s 1, & 1995 2nd sp.s. c 14 s 558;

(11)RCW 47.78.010 (High capacity transportation account) and 1997 c 457 s 513, 1991 sp.s. c 13 ss 66, 121, 1990 c 43 s 47, & 1987 c 428 s 1;

(12)RCW 82.44.180 (Transportation fund—Deposits and distributions) and 2013 c 251 s 9;

(13)RCW 82.80.040 (Street utility—Establishment) and 1991 c 141 s 1;

(14)RCW 82.80.050 (Street utility—Charges, credits) and 2006 c 301 s 5, 2000 c 103 s 21, & 1991 c 141 s 2; and

(15)RCW 82.80.060 (Use of other proceeds by utility) and 1991 c 141 s 3.

Sec. 1345. RCW 46.18.060 and 2016 c 36 s 4, 2016 c 16 s 4, and 2016 c 15 s 4 are each reenacted and amended to read as follows:

RELATING TO TRANSPORTATION.

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

~~((3) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2015. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.~~

~~(4) The limitations under subsection (3) of this section do not apply to the following special license plates:~~

~~(a) 4 H license plates created under RCW 46.18.200;~~

~~(b) Breast cancer awareness license plates created under RCW 46.18.200;~~

~~(c) Gold star license plates created under RCW 46.18.245;~~

~~(d) Music Matters license plates created under RCW 46.18.200;~~

~~(e) Seattle Seahawks license plates created under RCW 46.18.200;~~

~~(f) Seattle Sounders FC license plates created under RCW 46.18.200;~~

~~(g) Seattle University license plates created under RCW 46.18.200;~~

~~(h) State flower license plates created under RCW 46.18.200;~~

~~(i) Volunteer firefighter license plates created under RCW 46.18.200;~~

~~(j) Washington farmers and ranchers license plates created under RCW 46.18.200;~~

~~(k) Washington state wrestling license plates created under RCW 46.18.200;~~

~~(l) Washington tennis license plates created under RCW 46.18.200.)~~

Sec. 1346. RCW 47.06.110 and 2005 c 319 s 124 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

The state-interest component of the statewide multimodal transportation plan shall include a state public transportation plan that:

(1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;

(2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;

(3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;

(4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;

(5) Recommends criteria, consistent with the goals identified in subsection (2) of this section (~~and with RCW 82.44.180 (2) and (3)~~), for existing federal authorizations administered by the department to transit agencies; and

(6) Recommends a statewide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of (~~community, trade, and economic development~~) commerce, social and health services, and ecology, the office of the superintendent of public instruction,

the office of the governor, and the office of financial management.

The department shall submit to the senate and house transportation committees by December 1st of each year, reports summarizing the plan's progress.

Sec. 1347. RCW 82.42.090 and 1995 c 170 s 1 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 shall be transmitted to the state treasurer and shall be credited to the aeronautics account hereby created in the (~~transportation fund of the~~) state treasury. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund.

Sec. 1348. RCW 82.80.070 and 2005 c 319 s 139 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010(~~(s)~~) and 82.80.030(~~—and 82.80.050~~) (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high capacity transit improvements and programs; and planning, design, and acquisition of right-of-way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a

portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

- (a) First, the project serves a multijurisdictional function;
- (b) Second, it is necessitated by existing or reasonably foreseeable congestion;
- (c) Third, it has the greatest person-carrying capacity;
- (d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and
- (e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.120 RCW.

NEW SECTION. Sec. 1349. SECTION 40 CONFORMING REPEALERS. The following acts or parts of acts are each repealed:

(1)RCW 82.14.046 (Sales and use tax equalization payments from local transit taxes) and 1998 c 321 s 37, 1995 c 298 s 1, & 1994 c 241 s 2; and

(2)RCW 82.50.510 (Remittance of tax to state—Distribution to cities, towns, counties, and schools) and 1998 c 321 s 24, 1991 c 199 s 227, 1990 c 42 s 322, 1975-'76 2nd ex.s. c 75 s 1, & 1971 ex.s. c 299 s 66.

NEW SECTION. Sec. 1350. RELATING TO WAYS & MEANS. The following sections are decodified:

- (1) RCW 43.41.035 (Office of program planning and fiscal management redesignated office of financial management);
- (2) RCW 43.41.901 (Construction—1977 ex.s. c 270);
- (3) RCW 43.41.940 (Central budget agency abolished);
- (4) RCW 43.41.950 (Saving—1969 ex.s. c 239);
- (5) RCW 43.41.981 (Transfer of certain powers, duties, functions, and assets of the department of personnel); and
- (6) RCW 43.88.910 (Effective date—1975 1st ex.s. c 293)."

ROLL CALL

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "amending RCW 43.88.0301, 43.320.017, 70.95.532, 80.01.080, 48.17.563, 48.18A.035, 48.25.140, 48.29.015, 48.31.115, 21.20.880, 43.70.900, 29A.04.510, 35A.39.010, 44.05.080, 77.125.040, 47.06.110, 82.42.090, and 82.80.070; reenacting and amending RCW 46.18.060; recodifying RCW 42.32.030; decodifying RCW 43.88.910, 43.105.902, 43.105.903, 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.016, 43.320.901, 15.15.900, 15.49.920, 15.49.950, 15.51.900, 15.54.930, 15.58.900, 15.58.901, 15.58.943, 41.58.900, 41.58.901, 50.06.010, 50.13.010, 50.13.910, 50.38.900, 50.38.902, 50.60.902, 50.65.905, 50.70.902, 50.98.080, 69.50.545, 69.50.606, 69.50.607, 28A.315.075, 43.215.903, 43.215.905, 48.20.322, 48.23.520, 29A.04.903, 29A.04.905, 35.98.020, 35.98.050, 35A.90.030, 35A.90.040, 42.56.901, 42.56.902, 42.56.903, 71A.10.805, 10.77.900, 10.77.920, 10.77.930, 71.05.910, 71.05.920, 71.05.930, 71.24.900, 71.34.901, 74.14B.900, 74.18.903, 5.45.920, 46.61.990, 77.15.902, 77.50.900, 77.65.900, 77.105.900, 43.31A.400, 43.63A.902, 43.63A.903, 43.41.035, 43.41.901, 43.41.940, 43.41.950, 43.41.981, and 43.88.910; repealing RCW 66.08.230, 66.08.250, 66.12.020, 69.50.1011, 28A.305.900, 28A.305.901, 28A.400.201, 28A.630.005, 70.94.505, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.900, 70.95N.270, 70.104.070, 70.104.090, 70.105A.035, 70.220.060, 80.36.901, 70.104.100, 30A.24.080, 31.04.185, 31.04.501, 31.45.095, 48.102.190, 35.13A.0301, 41.05.019, 41.05.230, 41.05.655, 70.22.005, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, 70.47A.901, 71A.20.190, 28B.65.010, 28B.65.020, 28B.65.030, 28B.65.040, 28B.65.050, 28B.65.060, 28B.65.070, 28B.65.080, 28B.65.110, 28B.65.900, 28B.65.905, 2.56.031, 10.77.810, 10.77.820, 71.24.055, 74.12.901, 74.12A.030, 74.13.017, 2.56.250, 9.04.040, 26.50.800, 43.30.8351, 76.01.080, 76.01.090, 76.09.380, 77.12.605, 77.12.710, 79A.20.005, 79A.20.010, 79A.20.030, 79A.20.900, 43.31.088, 43.31.522, 43.31.524, 43.31.800, 43.31.805, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.833, 43.31.834, 43.31.840, 43.31.850, 43.374.005, 43.374.020, 47.01.141, 47.01.321, 47.01.350, 47.01.360, 47.01.400, 47.01.405, 47.01.406, 47.01.410, 47.01.418, 47.60.645, 47.78.010, 82.44.180, 82.80.040, 82.80.050, 82.80.060, 82.14.046, and 82.50.510; repealing 2009 c 548 s 302 and 2010 c 236 s 6 (uncodified); and adding a new section to chapter 42.30 RCW.

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 280 by Senator Fortunato to Senate Bill No. 5316.

The motion by Senator Fortunato carried and floor striking amendment no. 280 was adopted by voice vote.

MOTION

On motion of Senator Fortunato, the rules were suspended, Engrossed Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Hasegawa

Excused: Senators Hunt, McCoy and Wellman

ENGROSSED SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, by Senate Committee on Law & Justice (originally sponsored by Senators Padden and O'Ban)

Concerning the department of corrections.

The bill was read on Third Reading.

MOTION

On motion of Senator Padden, the rules were suspended and Engrossed Substitute Senate Bill No. 5294 was returned to second reading for the purpose of amendment.

MOTION

Senator Padden moved that the following floor striking amendment no. 286 by Senators Padden and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1351. The legislature finds that serious allegations arose in 2016 against the department of corrections regarding the department's early release error. The governor's office and senate engaged in investigations that resulted in reports with recommendations to address the matter. The purpose of this act is to implement the legislative recommendations contained in those reports. These reforms will assist in strengthening public safety as well as procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

PART 1

CREATING THE DEPARTMENT OF CORRECTIONS OMBUDS

NEW SECTION. Sec. 1352. Subject to the availability of amounts appropriated for this specific purpose, the office of the corrections ombuds is created for the purpose of providing information to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates; providing technical assistance to support inmate self-advocacy; identifying systemic issues and responses for the

governor and the legislature to act upon; reporting to the legislature; and ensuring compliance with relevant statutes, rules, and policies pertaining to conditions of correctional facilities, services, and treatment of inmates under the jurisdiction of the department.

NEW SECTION. Sec. 1353. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse" means any act or failure to act by a department employee, subcontractor, or volunteer which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an inmate.

(2) "Corrections ombuds" or "ombuds" means the corrections ombuds, staff of the corrections ombuds, and volunteers with the office of the corrections ombuds.

(3) "Council" means the ombuds advisory council established in section 4(1) of this act.

(4) "Department" means the department of corrections.

(5) "Inmate" means a person committed to the physical custody of the department, including persons residing in a correctional institution or facility and persons received from another state, another state agency, a county, or the federal government.

(6) "Neglect" means a negligent act or omission by any department employee, subcontractor, or volunteer which caused, or may have caused, injury or death to an inmate.

(7) "Office" means the office of the corrections ombuds.

(8) "Organization" means the private nonprofit organization that operates the office of the corrections ombuds.

NEW SECTION. Sec. 1354. (1) Subject to the availability of amounts appropriated for this specific purpose, no later than August 1, 2017, the governor shall convene an ombuds advisory council with several purposes in support of the ombuds function. The council shall participate in a priority setting process for the purpose of developing priority recommendations to the ombuds, review data collected by the ombuds, review reports issued by the ombuds prior to their release, and make recommendations to the ombuds regarding the accomplishment of its purposes. The council also has authority to issue its own reports and recommendations. The council must biannually review the ombuds' performance, including its compliance with its internal bylaws and other adopted standards of practice, reporting to the governor and the legislature regarding its findings. The council must provide the legislature with recommendations regarding the ombuds budget and changes in the law that would enhance the effectiveness of the ombuds.

(2) The council initially consists of the following four members:

(a) The majority leader and minority leader in the senate shall appoint one member from each of their respective caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(3) The remaining council members consist of the following members, appointed by the governor, and subject to senate confirmation:

(a) Two former inmates who have successfully reintegrated into the community and are no longer in the custody of the department;

(b) Two family members of current inmates;

(c) One expert with significant criminal justice or correctional experience who is not an employee or contractor with the state of Washington;

(d) A community member with extensive knowledge and experience in issues related to racial, ethnic, or religious diversity within the correctional system;

(e) A community member with extensive knowledge and experience in the accommodation needs of individuals with disabilities;

(f) Two former department of corrections employees;

(g) A current department of corrections chaplain; and

(h) A community member with dispute resolution training who has experience working in the criminal justice or corrections field.

(4) The council also includes:

(a) The department staff serving as the internal ombuds, if any;

(b) A bargaining unit representative; and

(c) A representative of the governor's office.

(5) After the full membership is attained, the council shall develop a process for replacing members in case of resignation or expiration of terms. The council must meet at least once a year.

(6) Councilmembers serve a term of two years, except that the council shall create and implement a system of staggered terms, and no member other than the department staff serving as the internal ombuds may serve more than two consecutive terms. The council shall convene at least quarterly. Councilmembers serve without compensation, except that funds appropriated for the implementation of this chapter may be used to reimburse members who are not employees of Washington state for expenses necessary to the performance of their duties.

NEW SECTION. Sec. 1355. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the office of the corrections ombuds. The contract must last for a period of two years and may be renewed at the end of the term. The department of commerce shall select an organization that possesses, directly or through subcontracts, significant legal expertise, competence with mediation and alternative dispute resolution, and experience working within criminal justice and correctional environments. Other relevant experience may include, but is not limited to, addressing issues relating to chemical dependency treatment, disability and disability-related accommodation, respect for racial, ethnic, and religious diversity, and other civil rights and conditions issues. The selected organization must have experience and the capacity to communicate effectively regarding criminal justice issues with policymakers, stakeholders, and the general public, and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The organization must be an objective and neutral entity that will impartially investigate complaints.

(4) The organization is subject to financial and other audits by the state auditor's office, and its employees must abide by the provisions of chapter 42.52 RCW.

NEW SECTION. Sec. 1356. (1) The ombuds shall:

(a) Establish priorities for use of the limited resources appropriated to implement this chapter;

(b) Develop policies for responding to records requests from the public. These policies shall be similar in scope to the requirements in the public records act except that identifying information about complainants or witnesses must be protected and nondisclosable unless the complainant or witness waives confidentiality;

(c) Maintain a statewide toll-free telephone number, a collect telephone number, a web site, and a mailing address for the receipt of complaints and inquiries;

(d) Provide information, as appropriate, to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates;

(e) Provide technical assistance to support inmate participation in self-advocacy;

(f) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies with a view toward the appropriate health, safety, welfare, and rehabilitation of inmates;

(g) Monitor and participate in legislative and policy developments affecting correctional facilities;

(h) Establish a statewide uniform reporting system to collect and analyze data related to complaints regarding the department;

(i) Establish procedures to receive, investigate, and resolve complaints;

(j) Submit annually to the council, the governor's office, and the legislature, by November 1st of each year, a report analyzing the work of the office, including any recommendations; and

(k) Adopt and comply with rules, policies, and procedures necessary to implement this chapter.

(2)(a) The ombuds may initiate and attempt to resolve an investigation upon his or her own initiative, or upon receipt of a complaint from an inmate, a family member, a representative of an inmate, a department employee, or others, regarding:

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

(v) Alleged violations of law by the department that may adversely affect the health, safety, welfare, and rights of inmates.

(b) Prior to filing a complaint with the ombuds, a person shall have reasonably pursued resolution of the complaint through the internal grievance, administrative, or appellate procedures with the department. However, in no event may an inmate be prevented from filing a complaint more than ninety business days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c) The ombuds may decline to investigate any complaint as provided by the rules adopted under this chapter.

(d) If the ombuds does not investigate a complaint, the ombuds shall notify the complainant of the decision not to investigate and the reasons for the decision.

(e) The ombuds may not investigate any complaints relating to an inmate's underlying criminal conviction.

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department.

(g) The ombuds may refer complainants and others to appropriate resources, agencies, or departments.

(h) The ombuds may not levy any fees for the submission or investigation of complaints.

(i) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 8 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state their recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

(i) Consider the matter further;

(ii) Modify or cancel any action;

(iii) Alter a rule, practice, or ruling;

(iv) Explain in detail the administrative action in question;

(v) Rectify an omission; or

(vi) Take any other action.

(j) If the ombuds so requests, the department must, within the time specified, inform the ombuds about any action taken on the recommendations or the reasons for not complying with the recommendations.

(k) If the ombuds believes, based on the investigation, that there has been or continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the ombuds must report the finding to the governor and the appropriate committees of the legislature.

(l) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

(3) This chapter does not require inmates to file a complaint with the ombuds in order to exhaust available administrative remedies for purposes of the prison litigation reform act of 1995, P.L. 104-134.

NEW SECTION. Sec. 1357. (1) The department must permit the ombuds to enter and inspect, at any reasonable time, any correctional facility for the purpose of carrying out its duties under this chapter. The ombuds may inspect, view, photograph, and video record all areas of the facility that are used by inmates or are accessible to inmates. Before releasing any photographs or video recordings taken within a correctional facility, the ombuds must consult with the department concerning any safety or security issues.

(2) The department must allow the ombuds reasonable access to:

(a) Inmates, which includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person; and

(b) Department employees, or other persons, who might be reasonably believed to have knowledge of the incident under investigation, which includes the opportunity to interview those individuals.

(3) Upon the ombuds' request, the department shall grant the ombuds the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombuds considers necessary in an investigation of a complaint filed under this chapter, and must assist the ombuds in obtaining the necessary releases of documents that are specifically restricted or privileged for use by the ombuds.

(4) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must provide the ombuds with access to the requested documentation not later than twenty business days after the ombuds' written request for the records.

(5) A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombuds must provide the ombuds with access to such records.

(6) The department may not hinder the lawful actions of the ombuds or employees of the office, or willfully refuse to comply with lawful demands of the office.

(7) The ombuds must work with the department to minimize disruption to the operations of the department due to ombuds activities, and must comply with the department's security clearance processes, provided these processes do not impede the activities outlined in this chapter.

NEW SECTION. Sec. 1358. (1) Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

(2) The office shall establish confidentiality rules and procedures for all information maintained by the office.

(3) The office shall preserve the confidentiality of information obtained while providing services, including general information, technical assistance, and investigations, to individuals, including inmates, family members and representatives of inmates, department employees, and others. Confidential information may not be disclosed unless the individual gives informed consent, the disclosure is impliedly authorized in order to carry out ombuds services, or the disclosure is authorized by subsection (4) of this section.

(4) To the extent the ombuds reasonably believes necessary, the ombuds:

(a) Must reveal information obtained in the course of providing ombuds services to prevent reasonably certain death or substantial bodily harm; and

(b) May reveal information obtained in the course of providing ombuds services to prevent the commission of a crime.

(5) If the ombuds receives personally identifying information about individual corrections staff during the course of an investigation that the ombuds determines is unrelated or unnecessary to the subject of the investigation or recommendation for action, the ombuds will not further disclose such information. If the ombuds determines that such disclosure is necessary to an investigation or recommendation, the ombuds will contact the staff member as well as the bargaining unit representative before any disclosure.

NEW SECTION. Sec. 1359. (1) A civil action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

PART 2

DEPARTMENT OF CORRECTIONS

Sec. 1360. RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The ~~((system should))~~ highest duty of the department and the secretary is to ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

(5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

(6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

(7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

(8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

(9) The system should meet those national standards which the state determines to be appropriate.

NEW SECTION. Sec. 1361. A new section is added to chapter 72.09 RCW to read as follows:

To ensure public safety and the administration of justice, if the department has actual knowledge or reason to believe that a computer calculation error is or has caused an error in the calculation of the release date for any prisoner, the department shall immediately manually calculate the release date of that prisoner as well as the release dates of any similarly sentenced prisoners.

NEW SECTION. Sec. 1362. A new section is added to chapter 72.09 RCW to read as follows:

On December 1st of each year, and in compliance with RCW 43.01.036, the department must submit a report to the governor and relevant policy and fiscal committees of the legislature that details any information technology backlog at the department along with specific requirements and plans to address such backlog.

PART 3
JOINT LEGISLATIVE AUDIT AND REVIEW
COMMITTEE

NEW SECTION. Sec. 1363. (1) Pursuant to chapter 43.09 RCW, the joint legislative audit and review committee must conduct a performance audit of the information technology and records related units at the department of corrections, including:

(a) The administrative structure of the units, including whether the units should be restructured to respond efficiently to changes in sentencing laws and other emergent issues;

(b) The sufficiency of staffing levels and expertise at each of the units; and

(c) An evaluation of the advance corrections project's impact on workload and staff resources at each of the units.

(2) The joint legislative audit and review committee shall report its findings to the governor and relevant policy and fiscal committees of the legislature by December 1, 2018.

PART 4
SENTENCING REFORM

NEW SECTION. Sec. 1364. A new section is added to chapter 9.94A RCW to read as follows:

In consultation with the administrative office of the courts, superior court judges' association, Washington association of prosecuting attorneys, Washington association of criminal defense lawyers, Washington public defender association, and Washington association of county clerks, the department shall develop a mandatory sentencing elements worksheet. The worksheet shall be used to identify and record the elements of the court's order that are required by the department to calculate an offender's confinement term, and community custody term when ordered. The Washington administrative office of the courts must include the mandatory sentencing elements worksheet in a specific section within its felony judgment and sentence forms.

Sec. 1365. RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. In addition, each felony judgment and sentence document must contain in a specific section the mandatory sentencing elements worksheet developed by the department of corrections in section 14 of this act. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The caseload forecast council shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section.

(3) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the caseload forecast council as required in subsection (2) of this section, the caseload forecast council shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the caseload forecast council.

Sec. 1366. RCW 9.94A.585 and 2002 c 290 s 19 are each amended to read as follows:

(1) A sentence within the standard sentence range, under RCW 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For

purposes of this section, a sentence imposed on a first-time offender under RCW 9.94A.650 shall also be deemed to be within the standard sentence range for the offense and shall not be appealed.

(2) A sentence outside the standard sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the standard sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing court are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard sentence range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing courts and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law or to address a missing, incomplete, or illegible mandatory sentencing elements section required pursuant to RCW 9.94A.480(1). Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

NEW SECTION. Sec. 1367. (1) Subject to the availability of amounts appropriated for this specific purpose, the sentencing guidelines commission shall contract for the services of one or more external consultants to evaluate the state's sentencing laws and practices. The consultant must have demonstrated experience in conducting significant research studies and demonstrated successful experience in evaluating sentencing systems or practices. The evaluation must include:

(a) Recommendations for changing and improving sentencing laws and practices to:

(i) Reduce complexity and implementation challenges;

(ii) Reduce unwarranted disparity;

(iii) Increase postconviction review;

(iv) Reduce costs to taxpayers;

(v) Promote fairness and equity;

(vi) Reduce unintended and unnecessary impacts on the community; and

(vii) Achieve the intended purposes of sentencing as set forth in RCW 9.94A.010;

(b) Recommendations for:

(i) A phased prospective and retroactive implementation of any proposed changes; and

(ii) Establishing an ongoing review of sentencing laws and practices; and

(c) An assessment of:

(i) Sentence lengths among different categories of offenders;

(ii) Whether those sentences conform to current research literature on the relationship between sentence lengths and recidivism;

(iii) Sentencing changes adopted by the legislature since 1981, including frequency, nature, and impact;

(iv) Disparity in sentencing laws between similarly situated offenders, including the rationale for such disparities;

(v) The impact of the elimination of the parole system; and

(vi) The state's sentencing laws and practices as compared to other states and other sentencing models.

(2) The consultant shall work cooperatively with the sentencing guidelines commission members to obtain any additional recommendations or input consistent with the purposes of this section. Recommendations from the sentencing guidelines commission shall be included in the consultant's final report.

(3) The consultant shall complete its evaluation and submit a report to the commission, the joint legislative task force on criminal sentencing under section 18 of this act, the appropriate committees of the legislature, and the governor by September 1, 2018. The contract for services must include a requirement for three briefings before the legislature to take place during the 2018 interim and 2019 regular legislative session, including for the joint legislative task force on sentencing, the house of representatives, and the senate.

(4) This section expires July 1, 2019.

NEW SECTION. Sec. 1368. (1) A joint legislative task force to simplify criminal sentencing is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the:

(i) Washington association of sheriffs and police chiefs;

(ii) Washington state patrol;

(iii) Caseload forecast council;

(iv) Washington association of prosecuting attorneys;

(v) Washington association of criminal defense attorneys or the Washington defender association;

(vi) Washington state association of counties;

(vii) Office of the attorney general;

(viii) American civil liberties union of Washington;

(ix) Sentencing guidelines commission;

(x) Department of corrections;

(xi) Superior court judges' association; and

(xii) Administrative office for the courts.

(3) The task force shall review sentencing laws after consideration of the study under section 17 of this act and the consultant's recommendations. The task force shall develop recommendations to reduce sentencing implementation complexities and errors, improve the effectiveness of the sentencing system, and promote public safety. The task force must consider recommendations that:

(a) Reduce sentencing complexity while reducing punishment;

(b) Reduce sentencing complexity while increasing punishment; and

(c) Reduce sentencing complexity and do not either reduce or increase punishment under existing law.

(4) The legislative membership shall convene the initial meeting of the task force no later than September 2018.

(5) The task force shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2019.

(6) Staff support for the task force must be provided by the senate committee services and the house office of program research.

(7) 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.

(8) The expenses of the task force shall 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 executive rules committee, or their successor committees.

(9) This section expires July 1, 2020.

PART 5

GENERAL PROVISIONS

Sec. 1369. RCW 49.60.210 and 2011 1st sp.s. c 42 s 25 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2)(a) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

(b) A settlement of any cause of action brought by an employee under this subsection may not contain a provision prohibiting the employee from future work in state government unless the government agency has a significant ongoing concern for the public health, safety, or welfare as a result of the person's future employment.

(3) It is an unfair practice for any employer, employment agency, labor union, government agency, government manager, or government supervisor to discharge, expel, discriminate, or otherwise retaliate against an individual assisting with an office of fraud and accountability investigation under RCW 74.04.012, unless the individual has willfully disregarded the truth in providing information to the office.

NEW SECTION. Sec. 1370. In the contract for the next regularly scheduled performance audit under RCW 42.40.110 following the effective date of this section, the office of financial management must require the audit to review the ability of department of corrections employees to use the state employee whistleblower program. The audit must include findings and recommendations, including possible changes to improve the effectiveness of the whistleblower program.

NEW SECTION. Sec. 1371. Sections 2 through 9 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "error;" strike the remainder of the title and insert "amending RCW 72.09.010, 9.94A.480, 9.94A.585, and 49.60.210; adding new sections to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing expiration dates."

Senators Padden and Pedersen spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 286 by Senators Padden and Pedersen to Engrossed Substitute Senate Bill No. 5294.

The motion by Senator Padden carried and floor striking amendment no. 286 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5294.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Keiser, Liias, Nelson, Ranker and Takko

Excused: Senators Hunt, McCoy and Wellman

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5614, by Senators Darneille, Hasegawa and Kuderer

Concerning diversion agreements and counsel and release agreements.

The bill was read on Third Reading.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5614.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

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

Voting nay: Senators Honeyford, Padden, Pearson, Schoesler and Short

Excused: Senators Hunt, McCoy and Wellman

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Transportation (originally sponsored by Senators O'Ban, Angel, Miloscia, Becker, Padden, Honeyford, King and Fortunato)

Modifying the election and authority of regional transit authority board members.

The bill was read on Third Reading.

MOTION

On motion of Senator Fain, the rules were suspended and Substitute Senate Bill No. 5001 was returned to second reading for the purpose of amendment.

MOTION

Senator Hobbs moved that the following floor striking amendment no. 283 by Senators Hobbs and Liias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1372. (1) A regional transit authority shall convene a work group comprised of at least ten board members of the regional transit authority and independent subject matter experts to evaluate potential improvements to board composition, governance, and membership. The work group shall review at least the following:

(a) The costs, benefits, and operational changes of having a directly elected board, including any impacts to perceived credit worthiness;

(b) The appropriate number of directly elected board members; and

(c) Any methods to improve representation without utilizing a directly elected board.

(2) The work group must submit a report of its review to the joint transportation committee by December 1, 2017."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "convening a regional transit authority work group; and creating a new section."

Senators Hobbs and Liias spoke in favor of adoption of the striking amendment.

Senator O'Ban spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 283 by Senators Hobbs and Liias to Substitute Senate Bill No. 5001.

The motion by Senator Hobbs did not carry and floor striking amendment no. 283 was not adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Fortunato spoke in favor of passage of the bill.

Senators Liias, Pedersen and Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5001.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

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

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Hobbs, Keiser, Kuderer, Liias, Mullet, Nelson, Pedersen, Ranker, Saldaña, Takko and Van De Wege

Excused: Senators Hunt, McCoy and Wellman

SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5893, by Senators O'Ban, Rossi, Becker, Rivers, Miloscia, King, Bailey, Braun, Wilson, Walsh, Zeiger, Angel, Warnick, Brown, Honeyford, Fortunato, Pearson, Padden, Fain, Schoesler and Hawkins

Concerning the administration of motor vehicle excise taxes by regional transit authorities.

The bill was read on Third Reading.

MOTION

On motion of Senator O'Ban, the rules were suspended and Engrossed Senate Bill No. 5893 was returned to second reading for the purpose of amendment.

MOTION

Senator Liias moved that the following floor striking amendment no. 281 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1373. A new section is added to chapter 82.44 RCW to read as follows:

If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 2 of this act, the department must clearly indicate, when notifying taxpayers of the expected tax due and when collecting the tax: The amount of tax owed under current law, the amount of any credit applied, and the net result.

NEW SECTION. Sec. 1374. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented by December 31, 2017.

(2) Under the market value adjustment program, the authority must provide a credit against the motor vehicle excise tax due in an amount equal to the tax due calculated using the vehicle valuation schedule in chapter 82.44 RCW as it existed on January 1, 1996, less the tax otherwise due calculated using the vehicle valuation schedule in RCW 82.44.035, if the resulting difference is positive. The credit applies only to the motor vehicle excise tax authorized in RCW 81.104.160(1).

(3) The program may be funded by any resources available to the authority including, but not limited to:

- (a) Unrestricted tax proceeds or other revenues; and
- (b) Savings from the delivery of projects.

(4) The program must provide credit retroactive to the date that the authority first imposed the tax under RCW 81.104.160(1). The authority, in consultation with the department of licensing, must develop a system to issue refunds of credits with respect to vehicles for which the registrations were renewed before January 1, 2018.

(5)(a) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2016 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(i) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(ii) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(iii) Revising project contingency budgets, if practicable.

(b) If, when implementing the program, the authority is not able to deliver projects according to the system and financing plan approved by the authority's voters in 2016, the authority must identify savings and cost reductions in the following priority order: First, from parking facility projects; second, from commuter rail projects; third, from transit bus-related projects; and fourth, from light rail projects.

(6) Until the plan has been completed, the authority must submit an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent

to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

NEW SECTION. Sec. 1375. Section 1 of this act applies to registrations that are due or become due on or after January 1, 2018.

NEW SECTION. Sec. 1376. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "tax" strike the remainder of the title and insert "; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency."

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

Senator Baumgartner spoke against adoption of the striking amendment.

Senator Liias demanded a roll call.

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

MOTION

On motion of Senator Mullet, Senator Saldaña was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the floor striking amendment no. 281 by Senator Liias to Engrossed Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the adoption of the 281 amendment by Senator Liias and the 281 amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 0; Excused, 4.

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

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

Excused: Senators Hunt, McCoy, Saldaña and Wellman

MOTION

Senator O'Ban moved that the following floor striking amendment no. 282 by Senators O'Ban and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1377.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if the authority has implemented a market value adjustment program as directed in section 2 of this act.

(3) Any contract entered into under this section must provide that the department will receive amounts sufficient to fully cover the costs applicable to the tax collection and market value adjustment process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any unforeseen future administrative costs will be borne by the regional transit authority.

(4) If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 2 of this act, the department must clearly indicate, when notifying taxpayers of the expected tax due and when collecting the tax: The amount of tax owed under current law, the amount of any credit applied, and the net result.

NEW SECTION. Sec. 1378. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented by December 31, 2017.

(2) Under the market value adjustment program, the authority must provide a credit against the total motor vehicle excise tax due in an amount equal to the tax due calculated using the vehicle valuation schedule in effect on the effective date of this section, less an amount calculated using an assumed motor vehicle excise tax of 0.5 percent and the value of a motor vehicle based on base model Kelley blue book values or national automobile dealers association values, whichever is lower, if the resulting difference is positive.

(3) Except for the property tax authorized in RCW 81.104.175 and for project schedule adjustments, the program may be funded by any resources available to the authority.

(4) The program must provide credit retroactive to the date that the authority first imposed the tax under RCW 81.104.160(1). The authority, in consultation with the department of licensing, must develop a system to issue refunds of credits with respect to vehicles for which the registrations were renewed before January 1, 2018.

(5) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2016 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(a) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(b) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(c) Revising project contingency budgets, if practicable.

(6) Until the plan has been completed, the authority must submit an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

NEW SECTION. Sec. 1379. This act must be construed to preclude a regional transit authority from defeasing any outstanding bond obligations.

NEW SECTION. **Sec. 1380.** Section 2 of this act applies to vehicle registrations that are due or become due on or after January 1, 2018.

NEW SECTION. **Sec. 1381.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "values;" strike the remainder of the title and insert "amending RCW 82.44.135; adding a new section to chapter 81.112 RCW; creating new sections; and declaring an emergency."

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 282 by Senators O'Ban and Rossi to Engrossed Senate Bill No. 5893.

The motion by Senator O'Ban carried and floor striking amendment no. 282 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Zeiger spoke in favor of passage of the bill.

Senators Liias, Frockt and Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 0; Excused, 4.

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

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

Excused: Senators Hunt, McCoy, Saldaña and Wellman

SECOND ENGROSSED SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5866, by Senators Brown, Hobbs, Braun, Mullet, Frockt and Warnick

Creating a tax court for the state of Washington.

MOTION

On motion of Senator Brown, Second Substitute Senate Bill No. 5866 was substituted for Senate Bill No. 5866 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following floor amendment no. 287 by Senators Frockt, Hobbs, Mullet and Palumbo be adopted:

On page 9, line 16, after ""(iv)(A)" strike "Except as provided in (d) of this subsection, appeals" and insert "Appeals"

On page 10, beginning on line 1 strike all of subsection (d)

Reletter the remaining subsection consecutively and correct any internal references accordingly.

On page 13, line 18, after "tax" strike "division of the court of appeals" and insert "court"

On page 17, line 21, after "provided in" strike "sections 108 and 109" and insert "section 108"

On page 20, line 23, after "section" strike "pr" and insert "or"

Senators Frockt and Brown spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 287 by Senators Frockt, Hobbs, Mullet and Palumbo on page 9, line 16 to Second Substitute Senate Bill No. 5866.

The motion by Senator Frockt carried and floor amendment no. 287 was adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 285 by Senator Brown be adopted:

On page 11, beginning on line 2, after "city" strike all material through "persons" on line 3 and insert "that is the state capital"

On page 13, line 18, after "tax" strike "division of the court of appeals" and insert "court"

On page 17, line 21, after "provided in" strike "sections 108 and 109" and insert "section 108"

On page 20, line 23, after "section" strike "pr" and insert "or"

Senator Brown spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 285 by Senator Brown on page 11, line 2 to Second Substitute Senate Bill No. 5866.

The motion by Senator Brown carried and floor amendment no. 285 was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5866.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5866 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Liias, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Conway, Darneille, Hasegawa, Kuderer, Nelson, Pedersen, Ranker, Rolfes, Takko and Van De Wege

Excused: Senators Hunt, McCoy, Saldaña and Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

ENGROSSED SENATE BILL NO. 5891, by Senators Zeiger and Conway

Eliminating the use of the high school science assessment as a graduation prerequisite. (REVISED FOR ENGROSSED: Delaying the use of the high school science assessment as a graduation prerequisite.)

The bill was read on Third Reading.

MOTION

On motion of Senator Zeiger, the rules were suspended and Engrossed Senate Bill No. 5891 was returned to second reading for the purpose of amendment.

MOTION

Senator Zeiger moved that the following floor amendment no. 284 by Senator Zeiger be adopted:

On page 7, line 2, after "2017" strike "and subsequent graduating classes"

Senators Zeiger and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 284 by Senator Zeiger on page 7, line 2 to Engrossed Senate Bill No. 5891.

The motion by Senator Zeiger carried and floor amendment no. 284 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Second Engrossed Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Rolfes, Ranker and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Hunt, McCoy, Saldaña and Wellman

SECOND ENGROSSED SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5303, by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Rolfes, Chase, Hawkins, Warnick, Bailey and Ranker)

Concerning aquatic invasive species management.

The bill was read on Third Reading.

Senators Honeyford, Chase and Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5303.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5303 and the passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Hunt, McCoy, Saldaña and Wellman

SUBSTITUTE SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

THIRD SUBSTITUTE SENATE BILL NO. 5558, by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, O'Ban and Angel)

Issuing a two-year identicard for offenders released from prison facilities.

The bill was read on Third Reading.

Senators Darneille and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5558 and the passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

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

Voting nay: Senators Frockt and Hasegawa
Excused: Senators Hunt, McCoy, Saldaña and Wellman

THIRD SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5741, by Senator King

Clarifying the collection of fuel taxes within tribal jurisdictions. (REVISED FOR ENGROSSED: Clarifying the collection of fuel taxes on motor vehicle fuel sold by businesses owned or operated by a tribe or member of the tribe.)

The bill was read on Third Reading.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5741.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5741 and the passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Lias, Miloscia, Mullet, O'Ban, Padden,

Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Chase, Cleveland, Nelson and Van De Wege

Excused: Senators Hunt, McCoy, Saldaña and Wellman

ENGROSSED SENATE BILL NO. 5741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rolfes, Senator Palumbo was excused.

THIRD READING

SENATE BILL NO. 5442, by Senators Fortunato and Pedersen

Concerning expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities.

The bill was read on Third Reading.

Senator Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5442.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5442 and the passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Hunt, McCoy, Palumbo, Saldaña and Wellman

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5729, by Senate Committee on State Government (originally sponsored by Senators Lias, Miloscia and Kuderer)

Concerning legislative technology. Revised for 1st Substitute: Concerning legislative technology. (REVISED FOR ENGROSSED: Concerning making nonsubstantive changes to statutes affecting legislative technology administration.)

The bill was read on Third Reading.

May 2, 2017

Senators Liias and Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5729.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5729 and the passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Hunt, McCoy, Palumbo, Saldaña and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

May 2, 2017

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8404, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

May 2, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1056,
ENGROSSED HOUSE BILL NO. 1309,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1440,

HOUSE BILL NO. 1452,
ENGROSSED HOUSE BILL NO. 1506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,
HOUSE BILL NO. 1571,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,
HOUSE BILL NO. 1630,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1661,

SECOND SUBSTITUTE HOUSE BILL NO. 1777,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1783,

ENGROSSED HOUSE BILL NO. 1958,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL
NO. 1886,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 2143,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

PERSONAL PRIVILEGE

Senator Conway: "Thank you Mr. President. I think, I know I was actually stunned this weekend, when I heard of the death of our past governor, Mike Lowry. I did not expect it. I think none of us expected that we were going to be losing a leader in this state, a well-known leader in this state for almost three decades. You know I had the, when I first entered the Legislature, Mike Lowry was Governor. There is probably not many of us here, I know that some were here in the Legislature at the time, but actually I began my service in the Legislature with Mike Lowry. And you know I can't help but think, and I have worked with many governors in the many years I have been here, but I can't think of a governor that was more easy to work with than Mike Lowry, because Mike Lowry really liked people. And he was, probably I think as I have been standing here thinking today about what I can say, I think I remember his campaign button, *I like Mike*. And I think almost everyone in this state, they may not have agreed with him all the time but you could not dislike Mike Lowry. He was a good man. And I know that as I have looked at the articles that have come out in the newspapers recently about Mike, I just wanted to add my perspective to this. You know I entered the Legislature and I think in his four year term, remember one term governor here, there was a lot of major legislation that passed this state. And one that I actually worked on when I entered was working with, working on the issue that actually began the human rights struggle for gay people in our state. For Cal Anderson, I know that hasn't been said in these papers, but working with Cal Anderson in the House we began the issue of bringing civil rights to gay people in our state. And that is a major change that Mike Lowry as Governor supported. And I know that a lot has been said, I actually said on the floor of the House when we passed the health care reform bill, with Denny Dellwo being the Chair of the Health Care Committee, and I know that we all think, 'Well, it was a failure,' and 'We did repeal much of it,' but this is the thorniest issue of our times, health care, look what it is doing right now in Washington D. C. As we, once again, struggle to figure out how to do, how can we guarantee access and how can we guarantee affordability in our state, and it took courage from Mike to allow the Legislature to move forward with that bill at that time. And I also think, you know one of my first special sessions of the Legislature was in October of '95 when Mike Lowry called us back into special session to do what? To pass a bill to build a baseball stadium, Safeco Field. So Mike Lowry was really instrumentally in so many ways in the history of this Legislature and this state and so I think I share feelings with many of you here of our condolences to his family, because it is a shock to me. I had no idea that we were going to lose Mike Lowry. Mike was a man that seemed like he would live forever. He was a bundle of energy and truly a loving person. So to his family, I extend my condolences and recognition that we have lost a very good man in Mike Lowry. Thank you."

PERSONAL PRIVILEGE

Senator Padden: “Thank you and I thank the gentleman from the 29th Legislative District for his point of personal privilege. I was over in the other body in 1992 when Governor Lowry became Governor. And you know we have had a lot of different governors, and all governors to one extent or another are politicians. Some will say one thing and do something else, but not with Governor Lowry. You knew exactly where he stood on every issue and he was very forthright, very honest fellow. He was proud of his roots from Eastern Washington, from Whitman County. I remember I got appointed Judge in 1995 and Governor Lowry seemed very enthusiastic to see me move on from the Legislature. We had a very nice conversation, but we’ll miss him and I obviously did not agree with him on very much, but I did always respect that he was a man of his word.”

PERSONAL PRIVILEGE

Senator Frockt: “Thank you Mr. President. I want to thank Senator Conway for beginning this and there will probably be a few other comments but I just wanted to mention, I obviously wasn’t here and didn’t serve with Governor Lowry, I didn’t even live in this state when he was Governor, I moved here in roughly 1997, I guess right as he was ending. But I only knew of him by history and talking to other people, but I did get a chance to get to know him a little bit in the early part of my career at various things. He would be at various political events in my district and I just wanted to say how sad and sorry I was for his loss as well. He was an exceptionally warm person. I didn’t even know that he knew who I was when I was elected to the House and when I first came into the Senate. He came up to me on several occasions and just said ‘I have been following what you are doing, you are doing a good job’ and I can not begin to tell you how much that made me feel positive about the work I was doing, that a former governor that didn’t even know me, I am not a native of Washington, would take a couple of minutes and say something like that to me. It really meant a lot. I know it sounds corny, but it is really true. So it just struck me, he was a really good person. I know there were ups and downs in his career, but I think anybody that serves in this office as governor and ascends to this high office within our state, regardless of party, regardless of ideology, we owe all of them a great deal of gratitude for their service and what they did for our state. And I would note, that when they were doing the eulogies for him and sort of talking about his career, he had a very significant impact in American history in introducing, as I understand it, in the U.S. Congress, the first bill for remediation for our Japanese-American citizens who were wrongfully interned during World War II. That is historic and something that will go down in the history books forever, and I think we owe him a great deal of gratitude. Thank you Mr. President.”

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Sheldon: “If the body would allow me to make a remark. I certainly enjoyed serving with Governor Lowry in 1992. Now the Democrats won’t believe this but I was the House Assistant Majority Leader and worked very closely with him on a bill that allowed individuals who were on unemployment to receive their unemployment while they were going to community college to retrain. And I think that was something that was brought up during the spotted owl and all the layoffs we had had in the timber industry and other industries, but I remember him too as a warm person, fun to talk to, he sure knew politics, and he liked to talk about that a lot. One remembrance was his first State of the State address. I think it was the first

one in 1993 and Speaker Brian Ebersole introduced him at the Joint Session in the House and he said, Representative Ebersole said ‘Now Governor we have cleared the rostrum of all the pitchers here. There is nothing you can tip over, so you just go ahead and make your speech.’ Because if somebody could flail his arms, his head, he would flail his leg if he could, when he was speaking. He was just a dynamic person and we certainly send all of our condolences to his family because he was a one of a kind and I always think about the Mariners bill and he worked very hard with Senator Gordon to bring that together. And it was a special session for just three days and of course Ken Griffey had a lot to do with it and getting us to the playoffs but that was quite an accomplishment to build that stadium and not everybody was for it but it was certainly quite an accomplishment and we look back about it now, I think a lot of good feelings. Thank you.”

PERSONAL PRIVILEGE

Senator Chase: “Thank you Mr. President. I also want to add my words of remembrance of Mike Lowry. Mike and I began working together in 1968. Truly. He was in the YDs, I was in the YDs. You know we had a lot of fun. This was for Young Democrats. He was an active member and he worked for Senator Martin Durkin at the time, I don’t know some of you may remember him. But Mike had, throughout his entire life, he always worked on the side of social justice. And I will have to admit that we always took advantage of that over the years because he was in a position of power, he could help some of our concerns, he always was warm and welcoming and enthusiastic. You know Mr. President, when you said how he waved his arms around, you really had to duck because when he made a speech, he was all over the place. But when he became Governor, he continued in that wonderful, wonderful vein of caring about people, about caring about the little people. He, something a lot of people might not know, he was extremely active in justice for farm workers. And in justice for the environment, he even started on his farm that he has over in eastern Washington, a little poplar stand where he was trying to grow poplars for a project to manufacture something, I don’t remember now what it was, what he wanted, but it was quick growing. And so he took a lot of his property and planted trees, so he had a consistent record and he will be missed. I know that Mary and Diane are hurting and they do miss him. And we all of us, join in in offering our condolences and our best wishes to them as they move through these next days. Thank you Mr. President.”

EDITOR’S NOTE: Former Washington State Governor and U.S. Congressman Mike Lowry passed away Monday, May 1, 2017 from complications related to a stroke at age 78. He was elected to the King County Council in 1975, began serving in the U.S. House of Representatives in 1979, where he spent the next 10 years. Governor Lowry was Governor from 1993 to 1997.

MOTION

At 5:30 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o’clock a.m. Friday, May 5, 2017.

TIM SHELDON, President Pro Tempore of the Senate
HUNTER G. GOODMAN, Secretary of the Senate