

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 17, 2018

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Summer Little and Mr. Harper Meyerson, presented the Colors.

Mr. Vast Allan led the Senate in the Pledge of Allegiance.

The prayer was offered by the Honorable Karen Fraser, former State Senator, 22nd Legislative District, Thurston County.

REMARKS BY THE PRESIDENT

President Habib: “We have had some tragic news in the past twenty four hours, and first of all, as many will know, our state lost a great leader yesterday, Governor John Spellman, who passed away yesterday. He was Governor of this state from 1981 to 1985 and indeed was Governor when I was born. And was King County Executive for twelve years prior to that, and a civic leader and mentor to many, environmental leader for our state, and in so many other ways a source of admiration and so on behalf of the Senate, I will as President, communicate our condolences to Governor Spellman’s family, and that we keep them in our thoughts and prayers and there will be opportunity for us in a more formal way to pay our respects to our former governor.

Last night, you may have all heard the tragic news of the loss of Tyler Hilinski, quarterback at Washington State University. And while the circumstances are not completely public at this time, we know that his loss is a tremendous tragedy for his family and for the entire Cougar community, and for the entire state. And it is just a heartbreaking moment for all of us to think about. This young man gave so much pleasure and joy to people who got to know him through his leadership on the field and we mourn with him and with the Washington State University and Pullman communities. At this time I would ask the Senate to join me in a moment of silence in recognition of this tragic moment for Tyler’s family and community.”

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory of Mr. Tyler Hilinski, Washington State University student-athlete, who passed away Tuesday, January 16, 2018 in Pullman.

EDITOR’S NOTE: The Honorable John D. Spellman, 1926 – 2018, Governor of Washington between 1981 and 1985, passed away Tuesday, January 16, 2018. Mrs. Lois E. Spellman, 1927 – 2018, former First Lady of Washington, passed away Thursday, January 25, 2018, nine days after her husband’s passing. At the direction of Governor Inslee, the national and staffs flags were lowered to half-staff Friday, February 9 through Tuesday, February 13, in memory of Governor Spellman. A joint funeral mass for Governor and First Lady John and Lois Spellman was held Monday, February 12, at St. James Cathedral, Seattle, followed by a celebration of life at the Bell Harbor Conference Center, Seattle.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 15, 2018

SB 5182 Prime Sponsor, Senator Fain: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5182 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O’Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 15, 2018

ESSB 5465 Prime Sponsor, Committee on Law & Justice: Creating an office of the corrections ombuds. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5465 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Dhingra, Vice Chair; O’Ban, Ranking Member; Carlyle; Frockt; Miloscia and Walsh.

Referred to Committee on Ways & Means.

January 15, 2018

SB 5491 Prime Sponsor, Senator Hasegawa: Addressing the time period for workers to recover wages under prevailing wage laws. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wilson.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 5492 Prime Sponsor, Senator Conway: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 5576 Prime Sponsor, Senator Keiser: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5576 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Ways & Means.

January 16, 2018

SB 5700 Prime Sponsor, Senator Ranker: Requiring training for long-term care providers on the needs of the LGBTQ population. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5700 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 5722 Prime Sponsor, Senator Liias: Restricting the practice of conversion therapy. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway; Fain; Keiser; Mullet and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 5940 Prime Sponsor, Senator Keiser: Creating the presumption of occupational disease for certain employees at the United States department of energy Hanford site. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5940 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun; King and Wilson.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 5992 Prime Sponsor, Senator Van De Wege: Concerning trigger modification devices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel, Assistant Ranking Member; Padden, Ranking Member and Wilson.

Referred to Committee on Rules for second reading.

January 15, 2018

SB 6126 Prime Sponsor, Senator Saldaña: Requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway; King; Kuderer and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Wilson.

Referred to Committee on Rules for second reading.

January 16, 2018

SB 6145 Prime Sponsor, Senator Saldaña: Addressing civil service qualifications. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Angel, Assistant Ranking Member; Padden, Ranking Member; Darneille; Frockt and Wilson.

Referred to Committee on Labor & Commerce.

January 16, 2018

SGA 9149 JOEL BENOLIEL, appointed on January 5, 2016, for the term ending September 30, 2021, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ranker, Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloschia; Nelson and Short.

Referred to Committee on Rules for second reading.

January 16, 2018

SGA 9281 JARON E. REED GODDARD, appointed on July 1, 2017, for the term ending June 30, 2018, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be

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confirmed. Signed by Senators Ranker, Chair; Hawkins, Ranking Member; Carlyle; Ericksen; Liias; Miloscia; Nelson and Short.

providing an effective date; and providing an expiration date.

Referred to Committee on Rules for second reading.

Referred to Committee on Law & Justice.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5576 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

SB 6421 by Senator Ranker

AN ACT Relating to updating the environmental and sustainability literacy plan and ensuring its availability in the library of openly licensed courseware; amending RCW 28A.300.803; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Early Learning & K-12 Education.

MOTION

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

SB 6422 by Senator Ranker

AN ACT Relating to cleaning up toxic substances from Washington's marine waters; amending RCW 70.105D.030, 70.105D.070, and 70.105D.120; and creating new sections.

Referred to Committee on Energy, Environment & Technology.

INTRODUCTION AND FIRST READING

SB 6416 by Senator Kuderer

AN ACT Relating to requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6423 by Senator Ranker

AN ACT Relating to the internet; reenacting and amending RCW 80.04.010; adding new sections to chapter 80.04 RCW; adding a new section to chapter 43.105 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Energy, Environment & Technology.

SB 6417 by Senators Palumbo and Rivers

AN ACT Relating to enabling Washington cities and counties to encourage residential development around transit; amending RCW 82.02.060; adding a new section to chapter 36.22 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

SB 6424 by Senators Carlyle and Fain

AN ACT Relating to authorizing an alternative form of regulation of electrical and natural gas companies; amending RCW 80.28.005 and 80.28.010; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6418 by Senators Palumbo and O'Ban

AN ACT Relating to incentivizing the development of commercial office space in cities with a population of greater than thirty-five thousand and located in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and providing an expiration date.

Referred to Committee on Economic Development & International Trade.

SB 6425 by Senators Kuderer, Cleveland and Bailey

AN ACT Relating to physical therapist supervision of assistive personnel; and amending RCW 18.74.010 and 18.74.180.

Referred to Committee on Health & Long Term Care.

SB 6419 by Senators Rolfes, Zeiger, Billig and Wellman

AN ACT Relating to promoting access to the Washington early childhood education and assistance program; amending RCW 43.216.505; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6426 by Senators Wellman, Chase, Warnick, Sheldon, McCoy, Cleveland, Rivers and Wilson

AN ACT Relating to extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure; and amending RCW 53.08.005, 53.08.370, and 53.08.380.

Referred to Committee on Energy, Environment & Technology.

SB 6420 by Senators Braun, Takko and Fain

AN ACT Relating to criminal justice; amending RCW 46.20.342, 10.37.015, 10.37.015, 46.20.005, 46.20.341, 46.20.341, 46.55.113, 46.55.120, 46.63.020, 10.101.050, and 10.101.060; reenacting and amending RCW 10.31.100; adding a new section to chapter 10.101 RCW; repealing RCW 10.101.070 and 10.101.080; prescribing penalties;

SB 6427 by Senators Wellman and Zeiger

AN ACT Relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education; amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060,

28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6428 by Senator O'Ban

AN ACT Relating to attorneys' fees on public works contracts; amending RCW 39.04.240; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6429 by Senator Zeiger

AN ACT Relating to overtime compensation for seasonal employees at agricultural fairs; and amending RCW 49.46.130.

Referred to Committee on Labor & Commerce.

SB 6430 by Senator Zeiger

AN ACT Relating to the consumption of alcohol for certain special events held on agricultural fairgrounds; and amending RCW 66.24.380.

Referred to Committee on Labor & Commerce.

SB 6431 by Senator Zeiger

AN ACT Relating to authorizing certain fairs with special occasion licenses to have multiple concessionaires; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6432 by Senators Zeiger and Angel

AN ACT Relating to homeowner association and condominium bylaws; and amending RCW 64.38.030 and 64.34.200.

Referred to Committee on Law & Justice.

SB 6433 by Senators Keiser and Fain

AN ACT Relating to providing a business and occupation tax credit for certain processing; amending RCW 82.08.820; and creating a new section.

Referred to Committee on Ways & Means.

SB 6434 by Senators Rolfes, Rivers, Nelson and Brown

AN ACT Relating to electric-assisted bicycles; amending RCW 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 6435 by Senators Cleveland and Keiser

AN ACT Relating to establishing healthy workplaces; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor & Commerce.

SB 6436 by Senator Cleveland

AN ACT Relating to foster youth health care benefits; amending RCW 74.09.860; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6437 by Senator King

AN ACT Relating to the disposal of recreational vehicles abandoned on public property; amending RCW 46.79.110 and 46.80.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.68 RCW; adding a new chapter to Title 46 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 6438 by Senator King

AN ACT Relating to clarifying the collection process for existing vehicle service transactions; and amending RCW 46.17.040.

Referred to Committee on Transportation.

SB 6439 by Senator Ericksen

AN ACT Relating to reducing the state property taxes payable in calendar years 2018 and 2019; amending RCW 84.52.065, 84.56.020, and 36.35.110; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6440 by Senator Ericksen

AN ACT Relating to an I-5/Exit 274 interchange project; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6441 by Senators Billig, Wellman and Zeiger

AN ACT Relating to transferring all aspects of working connections child care and seasonal child care service delivery to the department of children, youth, and families, based on the recommendations required to be reported to the legislature pursuant to section 103, chapter 6, Laws of 2017 3rd sp. sess.; amending RCW 43.216.139, 43.216.141, 74.08A.341, and 43.216.135; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6442 by Senator Fain

AN ACT Relating to benefits and exclusion within dental benefit coverage; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6443 by Senators Fortunato, Mullet and Angel

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AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.111, and 48.62.121; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6444 by Senator Cleveland

AN ACT Relating to alcohol sales by distributors; and amending RCW 66.24.290 and 66.28.185.

Referred to Committee on Labor & Commerce.

SB 6445 by Senators Dhingra, O'Ban, Darneille, Saldaña, Wellman and Cleveland

AN ACT Relating to providing postsecondary education to enhance education opportunities and public safety; amending RCW 28B.50.815, 72.09.460, and 72.09.465; and amending 2017 c 120 s 1 (uncodified).

Referred to Committee on Human Services & Corrections.

SB 6446 by Senator Carlyle

AN ACT Relating to ensuring consumers rights to internet transparency; adding a new section to chapter 39.26 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Energy, Environment & Technology.

SB 6447 by Senators Miloscia and Keiser

AN ACT Relating to the Federal Way school district regionalization factor used for compensation; and amending 2017 3rd sp.s. c 1 s 503 (uncodified).

Referred to Committee on Early Learning & K-12 Education.

SB 6448 by Senators Keiser, Conway, Rolfes, King and Warnick

AN ACT Relating to expanding the list of authorized provider types to treat injured workers suffering from mental health conditions caused by their industrial injury or occupational disease; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor & Commerce.

SB 6449 by Senator Warnick

AN ACT Relating to promoting renewable natural gas; amending RCW 82.04.260, 82.08.900, 82.08.962, 82.12.900, 82.12.962, 84.36.635, and 82.29A.135; and creating a new section.

Referred to Committee on Energy, Environment & Technology.

SB 6450 by Senator Honeyford

AN ACT Relating to creating a community aviation revitalization board; amending RCW 43.79A.040; and adding a new chapter to Title 47 RCW.

Referred to Committee on Ways & Means.

SB 6451 by Senator Honeyford

AN ACT Relating to designating apple pie as the official pie of Washington; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6452 by Senators Brown, Frockt, Carlyle, O'Ban, Walsh, Darneille and Miloscia

AN ACT Relating to expanding the activities of the children's mental health services consultation program; and amending RCW 71.24.061.

Referred to Committee on Human Services & Corrections.

SB 6453 by Senators King, Carlyle, Hobbs, Zeiger, O'Ban, Walsh, Brown, Darneille and Miloscia

AN ACT Relating to legal support for kinship caregivers; and reenacting and amending RCW 74.13.031.

Referred to Committee on Human Services & Corrections.

SB 6454 by Senator Kuderer

AN ACT Relating to expanding access to pharmacy services; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long Term Care.

MOTIONS

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

At 10:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease for the purposes of a meeting of the Committee on Rules at the bar of the senate.

The Senate was called to order at 10:14 a.m. by President Habib.

MOTION

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

MOTION

Senator Nelson moved adoption of the following resolution:

SENATE RESOLUTION 8682

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

WHEREAS, Karen Fraser was first elected to the Washington State House of Representatives in 1989 and then elected to the Senate in 1993; and

WHEREAS, Karen Fraser was a dedicated public servant, faithfully and tirelessly representing the people of the 22nd district for twenty-eight years and retired in 2016; and

WHEREAS, Karen Fraser started her political career as a citizen advocate for women's rights and as a legislative intern through the Ford Foundation; and

WHEREAS, Karen Fraser has served the people in over seven public offices, from a member of the City of Lacey planning committee, to the Mayor of Lacey and a Thurston County Commissioner; and

WHEREAS, Karen Fraser has worked diligently on a wide breadth of issues, including education, the environment, social services, public safety, and more; and

WHEREAS, Karen Fraser lists her greatest achievement in office as, "Representing the 22nd district to the best of my ability on a very comprehensive basis"; and

WHEREAS, Karen Fraser was a leader in the Senate as the capital budget chair, pensions chair, administrative committee chair, and Democratic Caucus chair; and

WHEREAS, Karen Fraser has been dignified with numerous awards, including The Imperial Decoration: Order of the Rising Sun, Gold Rays with Rosette by the Government of Japan; YMCA's Women of Distinction; Washington Council of Police and Sheriffs Legislator of the year in 2000; and Washington Low Income Housing Alliance's Hero Award in 2005; and

WHEREAS, Karen Fraser received her bachelor of arts degree in Sociology and her Master of Public Administration from the University of Washington; and

WHEREAS, Karen Fraser continues to give back her knowledge as an adjunct faculty at The Evergreen State College, teaching in a Master of Public Administration program, as well as maintaining many other leadership roles, including being a member of the Evans School of Public Policy and Governance Advisory Board, former chair and board member of the Washington Institute for Public Policy, and a member of the Lacey Leadership Council; and

WHEREAS, Karen Fraser is an avid outdoorswoman, has summited four of Washington's major peaks, and won numerous awards racing her sailboat in Puget Sound; and

WHEREAS, Karen Fraser is the loving mother of one daughter, with her husband Tim Malone, and a grandmother of two granddaughters;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Senator Karen Fraser and the contributions she made to the state and the people during her twenty-eight years of service in the legislature.

Senators Nelson, Ranker, Sheldon, Darneille, McCoy, Hunt, Becker, Keiser, Conway, Warnick and Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

The motion by Senator Nelson carried and the resolution was adopted by voice vote.

On behalf of the Washington State Senate, Senator Nelson presented former Senator Fraser with an arrangement of flowers.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the family and friends of former Senator Karen Fraser who were seated in the gallery and recognized by the senate.

The President welcomed and introduced the Honorable Ralph Munro, former Secretary of State, who was seated in the gallery.

The President welcomed and introduced the Honorable Jay Inslee, Governor, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Governor Inslee to address the Senate.

REMARKS BY GOVERNOR INSLEE

Governor Inslee: "Thank you, this is an honor to declare that I am the number one Karen Fraser fan in the state of Washington, and I know there are many. You know we came to the House together in 1988, and there was no dearer friend or people more loved in our caucus in the entire legislature. And Karen I just want to tell you it has been an honor to serve with you in public life in many capacities. And I also say she is, by far, the best guitar player in the legislative history of the Washington State Legislature. Thanks Karen, I appreciate it."

REMARKS BY FORMER SENATOR FRASER

Former Senator Fraser: "Well, this is a total surprise to say the very, very, very least. Thank you Governor Inslee. Thank you members of the Senate. I thought it was quite an honor to be invited to come say the prayer, so thank you for your kind and generous remarks. As each of you stood I had to really look to see where you are because everybody's changed seats. That's kind of fun, to kind of get used to the new organization here. And I want you to know that I treasure all my relationships here with each of you and I loved hearing some of the stories of some of our special times together. I want you to know that I still believe strongly and deeply and perpetually in democracy and you are on the front line making it happen. So I wish you all very well for this coming session. You have a lot on your plate and thank you for remembering some of my contributions. I look forward to staying in touch. Thank you."

MOTION

On motion of Senator Liias, and without objection, all members' names were added to Senate Resolution No. 8682, honoring Senator Karen Fraser.

MOTION

At 10:42 a.m., on motion of Senator Liias, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Republican Caucus.

The Senate was called to order at 11:43 a.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, be confirmed as a member

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of the Parks and Recreation Commission.

Senator Van De Wege spoke in favor of the motion.

MOTION

On motion of Senator Liias, further consideration of Senate Gubernatorial Appointment No. 9058 was deferred and the gubernatorial appointment held its place on the third reading calendar.

MOTION

At 11:43 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:54 a.m. by President Habib.

The Senate resumed consideration of Senate Gubernatorial Appointment No. 9058 which had been deferred earlier in the day.

Senators Van De Wege and Warnick spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senators Becker, Fortunato, O'Ban and Zeiger were excused.

APPOINTMENT OF PATRICIA T. LANTZ

The President declared the question before the Senate to be the confirmation of Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, as a member of the Parks and Recreation Committee.

The Secretary called the roll on the confirmation of Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, as a member of the Parks and Recreation Committee and the appointment was confirmed by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Wilson

Voting nay: Senators Baumgartner, Schoesler and Sheldon

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

Patricia T. Lantz, Senate Gubernatorial Appointment No. 9058, having received the constitutional majority was declared confirmed as a member of the Parks and Recreation Committee.

MOTION

Senator Keiser moved that Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, be confirmed as Director of the Office of Minority and Women's Affairs.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF TERESA BERNTSEN

The President declared the question before the Senate to be the confirmation of Teresa Berntsen, Senate Gubernatorial

Appointment No. 9136, as Director of the Office of Minority and Women's Affairs.

The Secretary called the roll on the confirmation of Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, as a Director of the Office of Minority and Women's Affairs and the appointment was confirmed by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

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

Voting nay: Senator Baumgartner

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

Teresa Berntsen, Senate Gubernatorial Appointment No. 9136, having received the constitutional majority was declared confirmed as Director of the Office of Minority and Women's Affairs.

MOTION

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

SECOND READING

SENATE BILL NO. 6002, by Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Liias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle and Mullet

Enacting the Washington voting rights act of 2018.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following amendment no. 332 by Senators Conway and Darneille be adopted:

On page 2, beginning on line 18, after "where" strike "either the drawing of leaning and influence districts or the use of an alternative proportional voting method" and insert "the drawing of crossover and coalition districts"

Beginning on page 5, after line 20, strike all of section 203

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

On page 15, after line 30, strike all of section 404

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

Senator Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 332 by Senators Conway and Darneille on page 2, line 18 to Substitute Senate Bill No. 6002.

The motion by Senator Darneille carried and amendment no. 332 was adopted by voice vote.

MOTION

Senator Baumgartner moved that the following amendment no. 337 by Senator Baumgartner be adopted:

On page 5, after line 9, insert the following:

"(f) District boundaries may not be drawn or maintained in a manner that favors or disfavors any racial group or political party."

On page 15, line 9, after "classes." insert "The court may not approve a remedy that favors or disfavors any racial group or political party."

Senators Baumgartner and Padden spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of amendment no. 337 by Senator Baumgartner on page 5, after line 9 to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Baumgartner and the amendment was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

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

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

MOTION

Senator Baumgartner moved that the following amendment no. 334 by Senator Fortunato be adopted:

Beginning on page 10, line 9, strike all of section 302 and insert the following:

"**NEW SECTION. Sec. 302.** (1) A political subdivision is in violation of this act when:

(a) It is established by prima facie evidence that:

(i) The protected class is sufficiently large and geographically compact enough to constitute a majority in a single member voting district;

(ii) The protected class is politically cohesive; and

(iii) The majority votes sufficiently as a bloc to enable it to defeat the protected class' preferred candidate; and

(b) It is established that, by the totality of circumstances, the voters of the protected class have less opportunity than members of the majority group to participate in the political process and to elect representatives of their choice.

(2) In determining whether there is a violation of this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. Only elections conducted prior to the filing of an

action pursuant to this chapter shall be used to establish or rebut the existence of a violation. In determining whether, by the totality of the circumstances, the voters of the protected class have less opportunity than members of the majority group to participate in the political process and to elect representatives of their choice, the court shall consider, at a minimum, the following factors:

(a) The history of voter-related discrimination in the political subdivision;

(b) The extent to which voting in elections of the political subdivision is racially polarized;

(c) The extent to which the political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority voting requirements, and prohibitions against bullet voting;

(d) The exclusion of members of the protected class from the candidate slating process;

(e) The extent to which protected class members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;

(f) The use of overt or subtle racial appeals in political campaigns;

(g) The extent to which members of the protected class have been elected to public office in the political subdivision; and

(h) Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the protected class.

(3) In determining whether there is a violation of this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. The court shall also consider whether the proportion of elected officials serving on the political subdivision's legislative body who are members of the protected class is equivalent to the proportion of the population who are members of the protected class. Only elections conducted prior to the filing of an action pursuant to this chapter shall be used to establish or rebut the existence of a violation.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this chapter shall not preclude a finding of a violation of this act."

Senators Baumgartner, Padden, Ericksen and Schoesler spoke in favor of adoption of the amendment.

Senators Hunt and Saldaña spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of amendment no. 334 by Senator Fortunato on page 10, line 9, to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Fortunato and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Hawkins, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

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

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

MOTION

Senator Padden moved that the following amendment no. 335 by Senator Padden be adopted:

On page 16, beginning on line 16, strike all of section 406 and insert the following:

"NEW SECTION. Sec. 406. In any action to enforce this chapter, the court may allow the prevailing party or parties reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees. No costs may be awarded if no action is filed."

Senators Padden and Baumgartner spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

Senator Baumgartner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of amendment no. 335 by Senator Padden on page 16, line 16, to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of floor amendment no 335 by Senator Padden and the amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 0; Excused, 4.

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

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

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

MOTION

Senator Padden moved that the following amendment no. 336 by Senator Padden be adopted:

On page 17, after line 4, strike all of section 504 and insert the following:

"NEW SECTION. Sec. 504. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of this act is null and void."

On page 1, line 8 of the title, after "29A.76 RCW;" strike "and" and on line 9, after "RCW" insert "; and creating a new section"

Senator Padden spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Habib: "Just a reminder to members, two things: Number One, that these are your rules. We don't make reference to actions of the House of Representatives. Contrary to what people think, it is okay to acknowledge that it exists, but we don't make reference to actions that they have taken. And I would also ask members that we avoid impugning motives. I don't believe that has happened yet, the President has not taken that position, but we are early in the session now, and it is important that we have these debates and discussions in a respectful fashion. So I ask that we all keep that in mind."

Senator Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 336 by Senator Padden on page 17, after line 4 to Substitute Senate Bill No. 6002.

The motion by Senator Padden did not carry and amendment no. 336 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following striking amendment no. 333 by Senator Baumgartner be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 505. This act may be known and cited as the Washington voting rights act of 2018.

NEW SECTION. Sec. 506. The legislature recognizes that many local governments are presently considering the option of converting from at large elections to electoral systems that are oriented towards district-based voting. However, several types of jurisdictions are required to conduct their general elections on an at large basis, and are thus precluded from any change. This state law prohibition may put certain jurisdictions in the precarious position of facing liability under the federal voting rights act, while state law prevents them from adopting a legitimate, good faith solution. Further, noting the outcome of the recent lawsuit within the state of Washington, the legislature recognizes that the federal voting rights act provides an effective means to challenge what a plaintiff considers to be an unfair electoral system. Therefore, the legislature intends to provide local governments with the tools they need to offer the most effective, inclusive, and fair electoral systems for their citizens.

Sec. 507. RCW 35.18.020 and 2015 c 53 s 32 are each amended to read as follows:

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmembers; and

(b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29A.76 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be

a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town (~~had prior to January 1, 1994, limited~~) council has adopted an ordinance or the voters of the city or town have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election (~~(with)~~). If the voting at the election includes voters of the entire city, the person elected to one of the new council positions receiving the greatest number of votes (~~(being elected for)~~) shall serve a four-year term of office, and the person elected to the other additional council position (~~(being elected for)~~) shall serve a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with RCW 29A.04.133, but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office. The city or town may redistrict and create seven wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

Sec. 508. RCW 35.23.850 and 2015 c 53 s 41 are each amended to read as follows:

In any city initially classified as a second-class city prior to January 1, 1993, that retained its second-class city plan of government when the city reorganized as a noncharter code city, the city council may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards at any time less than one hundred twenty days before a municipal general election. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections. However, if these boundary changes result in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy,

and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant and shall serve until a ward resident is elected.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city (~~had prior to January 1, 1994, limited~~) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 509. RCW 35A.12.180 and 2015 c 53 s 53 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant and shall serve until a ward resident is elected. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city (~~had prior to January 1, 1994, limited~~) council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. (~~(If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.)~~)

Sec. 510. RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district, unless the commission has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district.

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Sec. 511. RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

The commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county, unless the commission has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district. Three members of a five-member board of commissioners shall constitute a quorum to do business."

On page 1, line 3 of the title, after "opportunity;" strike the remainder of the title and insert "amending RCW 35.18.020, 35.23.850, 35A.12.180, 36.32.050, and 36.32.0556; and creating new sections."

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

Senator Hunt spoke against adoption of the striking amendment.

Senator Baumgartner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the striking amendment no. 333 by Senator Baumgartner on to Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the adoption of floor amendment no 335 by Senator Padden and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Ericksen, Hawkins, Honeyford, King, Miloscia, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson

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

Excused: Senators Becker, Fortunato, O'Ban and Zeiger

Senator Saldaña moved that the rules be suspended and that Engrossed Substitute Senate Bill No. 6002 be placed on third reading and final passage.

Senator Fain objected to the motion that the rules be suspended and allow the measure to be placed on third reading and final passage.

The President declared that the question before the Senate to be the motion by Senator Saldaña that the rules be suspended and that Engrossed Substitute Senate Bill No. 6002 be placed on third reading and final passage.

Having failed to receive the required two-thirds majority, the rules were not suspended, the motion by Senator Saldaña did not carry and the measure remained on second reading by voice vote.

MOTION

At 12:59 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:55 p.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Nancy Biery, Senate Gubernatorial Appointment No. 9080, be confirmed as a member of the Salmon Recovery Funding Board.

Senators Van De Wege and Rolfes spoke in favor of passage of the motion.

APPOINTMENT OF NANCY BIERY

The President declared the question before the Senate to be the confirmation of Nancy Biery, Senate Gubernatorial Appointment No. 9080, as a member of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Nancy Biery, Senate Gubernatorial Appointment No. 9080, as a member of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Nancy Biery, Senate Gubernatorial Appointment No. 9080, having received the constitutional majority was declared confirmed as a member of the Salmon Recovery Funding Board.

MOTION

Senator Conway moved that Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Conway and Padden spoke in favor of passage of the motion.

APPOINTMENT OF PAUL A. PASTOR

The President declared the question before the Senate to be the confirmation of Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Paul A. Pastor, Senate Gubernatorial Appointment No. 9237, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Paul A. Pastor, Senate gubernatorial Appointment No. 9237, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 5991, by Senators Billig, Fain, Palumbo, Miloscia, Hunt, Mullet, Carlyle, Frockt, Rolfes, Ranker, Darneille, Conway, Hasegawa, Pedersen, Nelson, McCoy, Takko, Saldaña, Cleveland, Wellman, Kuderer, Liias, Hobbs, Chase, Van De Wege, Keiser and Dhingra

Increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018.

MOTION

On motion of Senator Billig, Substitute Senate Bill No. 5991 was substituted for Senate Bill No. 5991 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fortunato moved that the following amendment no. 344 by Senators Fortunato and Schoesler be adopted:

On page 8, line 39, after "(25)" insert "(a)"

On page 9, after line 3, insert the following:

"(b) "Incidental committee" does not include:

(i) Any organization registered under section 527 of the internal revenue code of 1986 that files disclosure reports with the public disclosure commission, disclosure reports with the federal elections commission, or public quarterly, semiannual, or monthly filings with the internal revenue service; or

(ii) Any organization that files a lobbyist registration form in Washington state that includes the information required by RCW 42.17A.600(1)(i). The organization must file the registration form electronically when an electronic filing method is available. The organization must update the information required by RCW 42.17A.600(1)(i) within sixty days before any primary, general, or special election if the organization has made or expects to make more than ten thousand dollars in contributions that calendar year and according to the schedule for contribution and expenditure reports under RCW 42.17A.235(2) if there are any changes to the information required by RCW 42.17A.600(1)(i) within thirty days before an election."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the

adoption of amendment no. 344 by Senators Fortunato and Schoesler on page 8, line 39 to Substitute Senate Bill No. 5991.

The motion by Senator Fortunato did not carry and amendment no. 344 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 341 by Senator Ericksen be adopted:

On page 13, line 26, after "proposition" strike all material through "chapter." on page 13, line 28.

Senator Ericksen spoke in favor of adoption of the amendment. Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 341 by Senator Ericksen on page 13, line 26 to Substitute Senate Bill No. 5991.

The motion by Senator Ericksen did not carry and amendment no. 341 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 340 by Senator Ericksen be adopted:

On page 14, line 5, after "person" insert the following:

"which were given for the purpose of making any contribution or independent expenditure."

On page 14, line 9 after "person" insert the following:

"which were given for the purpose of making any contribution or independent expenditure"

Senator Ericksen spoke in favor of adoption of the amendment. Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 340 by Senator Ericksen on page 14, line 5 to Substitute Senate Bill No. 5991.

The motion by Senator Ericksen did not carry and amendment no. 340 was not adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 5991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

Senator Keiser spoke on passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "The President is going to remind members of the Senate, if you have a point of order to make, if you believe the rules have been violated, then please state a point of order. This goes to both sides of the aisle here and both sides of the disagreement. The President will rule on your point of order. Please do not use your floor speeches to serve as President Pro Tem for the moment in deciding whether a point of order is appropriate. Please stick to the content. And I would echo what the actual President Pro Tem has just said which is that both sides should please try to preserve respect for one another and that though it is not in the rules, respect for those that are not in this Chamber but who are nevertheless our constituents."

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Senators Fain, Baumgartner and Miloscia spoke in favor of passage of the bill.

Senators Angel and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5991.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6021, by Senators Kuderer, Billig, Darneille, Palumbo, Frockt, Rolfes, Liias, Keiser, Pedersen, Hunt, Wellman, Conway, Saldaña, Hasegawa, Mullet and Nelson

Extending the period for voter registration.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 6021 was substituted for Senate Bill No. 6021 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following amendment no. 338 by Senator Zeiger be adopted:

On page 7, beginning on line 9, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. (1) Sections 1 through 4 of this act take effect when the statewide voter registration database operated by the secretary of state is compliant with RCW 29A.08.125 and is fully implemented and installed in the office of the secretary of state and in all county elections departments.

(2) The secretary of state must provide notice to the appropriate committees of the legislature of the estimated date of installation of the statewide voter database by December 1, 2018.

(3) The secretary of state's office must provide written notice to the code reviser's office when the statewide voter registration database is compliant with RCW 29A.08.125 and is fully implemented and installed in the office of the secretary of state and in all county elections departments."

On page 1, line 3 of the title, after "29A.32.031;" strike "providing an effective date;" and insert "providing a contingent effective date;"

Senator Zeiger spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 338 by Senator Zeiger on page 7, line 9 to Substitute Senate Bill No. 6021.

The motion by Senator Zeiger did not carry and amendment no. 338 was not adopted by voice vote.

MOTION

Senator Padden moved that the following amendment no. 342 by Senator Padden be adopted:

On page 7, after line 12, insert the following:

NEW SECTION. Sec. 8. The sum of one million, eight hundred and eighty-six thousand, four hundred and ninety-four dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2019, from the general fund to the office of the secretary of state to fund local governments for the purposes of this act.

On page 1, line 3 of the title, after "date;" strike the remainder of the title and insert "providing an expiration date; and creating a new section."

Senators Padden and Sheldon spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 342 by Senator Padden on page 7, after line 12 to Substitute Senate Bill No. 6021.

The motion by Senator Padden did not carry and amendment no. 342 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following striking amendment no. 343 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than ~~((twenty-nine))~~ twenty-eight days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ~~((twenty-nine))~~ twenty-eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

Sec. 10. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application pursuant to RCW 29A.08.115, 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or 29A.08.340, received by election officials no later than ~~((twenty nine))~~ eleven days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ~~((twenty nine))~~ twenty-eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

Sec. 11. RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application pursuant to RCW 29A.08.115, 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or 29A.08.340, received by election officials no later than ~~((twenty nine))~~ eleven days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence ~~((no later than eight days before the day of the primary, special election, or general election)), or an alternate location designated by the county auditor.~~

(2) A person who is already registered to vote in Washington may update his or her registration no later than ~~((twenty nine))~~ twenty-eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) For in-person voter registration on the day of a special election, primary, or general election, a person may register to vote and receive a ballot up to 8:00 p.m. at the county auditor's

office or designated location.

(5) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

Sec. 12. RCW 29A.08.125 and 2009 c 369 s 12 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; ~~((and))~~

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the change of residence address for a voter from one county to another.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in

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order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 13. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

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

- (1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;
- (2) Appearing in person before the county auditor and making such a request;
- (3) Telephoning or emailing the county auditor to ~~((transfer the))~~ change the residence address for voter registration; or
- (4) Submitting a voter registration application.

Sec. 14. RCW 29A.08.620 and 2011 c 10 s 17 are each amended to read as follows:

(1) Each county auditor must request change of address information from the postal service for all mail ballots.

(2) The county auditor shall transfer the registration of a voter and send an acknowledgment notice to the new address informing the voter of the transfer if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved within the ~~((county))~~ state.

~~(3) ((The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved from one county to another.~~

~~(4))~~ The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:

- (a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or
- (b) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that the voter has moved out of the state.

Sec. 15. RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by

this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;
- (12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic transmission;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures for processing in-person voter registration and issuance of ballots and provisional ballots by county auditors;
- ~~((25))~~ (25) Procedures and forms for declarations of candidacy;
- ~~((26))~~ (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- ~~((26))~~ (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- ~~((27))~~ (28) Filing for office;

~~((28))~~ (29) The order of positions and offices on a ballot;
~~((29))~~ (30) Sample ballots;
~~((30))~~ (31) Independent evaluations of voting systems;
~~((31))~~ (32) The testing, approval, and certification of voting systems;
~~((32))~~ (33) The testing of vote tallying software programming;
~~((33))~~ (34) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;
~~((34))~~ (35) Standards and procedures to guarantee the secrecy of ballots;
~~((35))~~ (36) Uniformity among the counties of the state in the conduct of elections;
~~((36))~~ (37) Standards and procedures to accommodate overseas voters and service voters;
~~((37))~~ (38) The tabulation of paper ballots;
~~((38))~~ (39) The accessibility of voting centers;
~~((39))~~ (40) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
~~((40))~~ (41) Procedures for conducting a statutory recount;
~~((41))~~ (42) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;
~~((42))~~ (43) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
~~((43))~~ (44) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
~~((44))~~ (45) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
~~((45))~~ (46) Procedures for the publication of a state voters' pamphlet;
~~((46))~~ (47) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;
~~((47))~~ (48) Procedures for conducting partisan primary elections;
~~((48))~~ (49) Standards and procedures for the proper conduct of voting on accessible voting devices;
~~((49))~~ (50) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;
~~((50))~~ (51) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);
~~((51))~~ (52) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;
~~((52))~~ (53) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);
~~((53))~~ (54) Facilitating the payment of local government grants to local government election officers or vendors; and
~~((54))~~ (55) Standards for the verification of signatures on

ballot declarations.

Sec. 16. RCW 29A.40.160 and 2017 c 327 s 1 are each amended to read as follows:

(1) Each county auditor shall open a voting center each primary, special election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election, or general election.

(2) The voting center must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.

(3) The voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(4) The voting center must provide at least one voting unit certified by the secretary of state that provides access to individuals who are blind or visually impaired, enabling them to vote with privacy and independence.

(5) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

(6) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the county auditor shall verify that no votes have been registered for any issue or office, and that the device has been sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all device numbers and seal numbers.

(7) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.

(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(8) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

(9) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(10) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(11) No voter is entitled to vote more than once at a primary,

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special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(12) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.

(13) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(14) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.

(15) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open (~~except that the county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census designated place in the county with a post office~~).

(16) Each county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office.

NEW SECTION. Sec. 17. Section 1 of this act expires January 1, 2019.

NEW SECTION. Sec. 18. Section 2 of this act takes effect January 1, 2019.

NEW SECTION. Sec. 19. (1) Sections 3, 5, and 6 of this act take effect when the statewide voter registration database operated by the secretary of state is compliant with RCW 29A.08.125, as amended by this act, is fully implemented and installed in the office of the secretary of state and in all county elections departments. Section 2 of this act expires if section 3 of this act takes effect.

(2) The secretary of state must provide notice to the appropriate committees of the legislature of the estimated date of installation by December 1, 2018.

(3) The secretary of state's office must provide written notice to the code reviser's office when the statewide voter registration database is compliant with RCW 29A.08.125, as amended by this act, and is fully implemented and installed in the office of the secretary of state and in all county elections departments."

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 29A.08.140, 29A.08.140, 29A.08.140, 29A.08.125, 29A.08.410, 29A.08.620, 29A.04.611, and 29A.40.160; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date."

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

Senator Hunt spoke against adoption of the striking

amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 343 by Senator Zeiger to Substitute Senate Bill No. 6021.

The motion by Senator Zeiger did not carry and striking amendment no. 343 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 6021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Baumgartner, Braun and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6021.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6021 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 6021, 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.

PERSONAL PRIVILEGE

Senator Hunt: "Thank you Mr. President. I know early this morning we had a moment of silence, but it has been a tough, tough day for those of us who are Washington State Cougars with the death of quarterback Tyler Hilinski. A twenty-one year old superstar in the making, who came into the game against Boise State in the fourth quarter and brought them back from a twenty to seven deficit to a lead. Who had to start the bowl game against Michigan State without his quarterback who was injured. Without his two star receivers. And still managed to throw for almost three hundred yards and complete eighty percent of his passes. It is really sad that we lost such a great potential. It is sad when we lose anybody, but for this young man with such a glowing future, I just want to say, we send our best to his family and to our Cougar friends and we will miss Tyler a lot. Thank you."

EDITOR'S NOTE: Mr. Tyler Hilinski,, 1996 – 2018, Washington State University student-athlete, backup quarterback and projected starter for the WSU Cougars, passed away Tuesday, January 16, 2018 in Pullman. A memorial service was held Saturday, January 27, in La Verne, California.

PERSONAL PRIVILEGE

Senator Schoesler: “I think everyone knows now the passing of Governor John Spellman. You know John Spellman became Governor about the time I first got significantly interested in this process. And out of all of the things that he was remembered by, I think that even in the middle of an economic downturn, the state spent over fifty percent of its budget on K-12. We just now reached that level again in the current biennial budget. Thirty-five years later, we reached the level of John Spellman in education funding, something I am sure that every member of this Chamber is proud of, but it had been a long time. I had the opportunity to visit with former Governor Spellman a couple of times before he passed away. I can assure you that his wit and his memory were sharp to the very end. I would ask him about some of the difficult years in his term, and I asked about the troglodytes, one of whom is still a member of this body again. And he refined what the troglodytes statement really was, not how we interpret it. And that keen wit, that memory of the process. We have the legacy of, he was there when the Kingdome came that brought the Mariners and Seahawks that we now enjoy. We wouldn’t have had those major league franchises without that facility. And at that time he didn’t believe that we had the safety to have a pipeline under Puget Sound. And he bucked his friends and his party because he didn’t believe that that process was safe. Not an easy thing to do. I think that the one thing that I would share with the previous speaker is on his last visit he brought his grandchildren who never saw the building where grandpa served because they were under thirty-five years old and the last thing I did was get a verbal commitment that at least one of Governor John Spellman’s grandchildren would go to WSU. Thank you.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Senator Schoesler. Indeed, we started the day on a sober note and as we end it again we remember Governor Spellman and a rich and full life well-lived, a life of service and we remember also a life snuffed out far too soon and that never really got to reach the full and beautiful potential that I think we all know waited in store. So, it is a difficult day and I thank the members of the Senate for doing your work, some challenging work, working through these bills on what I know is a difficult day for all of us and we’ll continue to do our work on to tomorrow and send our condolences to those who are suffering in grief today.”

PERSONAL PRIVILEGE

Senator Padden: “Thank you Mr. President. Since I guess I was the troglodyte that was referred to in the previous remarks, I’ll fess up. I think I am the only person who actually served, currently in the Legislature, served when John Spellman was Governor. And, although I wasn’t real close to him, he was a family friend, my father and he actually went on some retreats together. He was a spiritual fellow, very contemplative fellow, who, you know, smoked a pipe. I remember going into his office with one of the predecessors there for Senator Ericksen from the 42nd District, former Representative Roger Van Dyken, and talking to him, and we kind of talked to his chief of staff and he was off in the corner smoking his pipe. But he did become engaged in certain issues. I think he was a very honorable

person. He later said that he probably shouldn’t have used that troglodyte term, but it was kind of in good fun. Former Representative Dick Bond made buttons and we wore them and had a lot of fun. But it was a very difficult time because we had one thirty day session, November, no committee meetings, and all there was to do to pressure to reduce spending in the budget that had already been adopted or to raise taxes. Unfortunately, the Republican majority raised the sales tax on food and the folks repealed it later and then we were no longer in the majority for quite a while. So, I kind of remember how that felt and here I am feeling it again. It’s (laughter), as you folks know, it’s not always the best feeling, but anyway, I think it is important that we take time to honor the last Republican governor. I think we are now the state that has gone the longest without a Republican governor. But an honorable guy, he won a very tough primary against Duane Berenson, who was from Burlington, and there was a very interesting primary on the Democratic side between Dixie Lee Ray and Jim McDermott. So those were many years ago, but it is a tribute to him. He lived ninety-one years, so I think our condolences to his wife Lois, and their six children and it is good to remember him. Thank you Mr. President.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Senator Padden and when you and Governor Spellman were smoking pipes and calling each other troglodytes, Senator Liias and I were busy being born.”

REMARKS BY SENATOR LIAS

Senator Liias: “Thank you Mr. President. And I actually appreciate Senator Schoesler and Senator Padden’s remarks. I hope that, just as we honored Governor Gardner on his passing, I hope that we will work together on a resolution and at the appropriate time honor Governor Spellman’s great work on behalf of our state, including work that began long before the President and I graced this great state.”

EDITOR’S NOTE: The Honorable John D. Spellman, 1926–2018, Governor of Washington between 1981 and 1985, passed away Tuesday, January 16, 2018. Mrs. Lois E. Spellman, 1927–2018, former First Lady of Washington, passed away Thursday, January 25, 2018, nine days after her husband’s passing. At the direction of Governor Inslee, the national and staffs flags were lowered to half-staff Friday, February 9 through Tuesday, February 13, in memory of Governor Spellman. A joint funeral mass for Governor and First Lady John and Lois Spellman was held Monday, February 12, at St. James Cathedral, Seattle, followed by a celebration of life at the Bell Harbor Conference Center, Seattle.

MOTION

At 9:05 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o’clock a.m. Thursday, January 18, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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