

**FIFTY FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, February 28, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Kristin Mannschreck and Mr. Landyn Houskeeper, presented the Colors. Page Mr. Hercis Hernandez led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Stuart Dugan of Lacey Presbyterian Church, Lacey.

**MOTION**

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

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 27, 2017

SHB 2106 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning election year restrictions on state legislators. Reported by Committee on Ways & Means

**MAJORITY recommendation:** Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

**MINORITY recommendation:** Do not pass. Signed by Senator Rolfes, Assistant Ranking Minority Member, Operating Budget.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

February 27, 2017

**MR. PRESIDENT:**  
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1149,  
SUBSTITUTE HOUSE BILL NO. 1641,  
HOUSE BILL NO. 1800,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2017

**MR. PRESIDENT:**

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1022,  
HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1128,  
HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1267,  
SUBSTITUTE HOUSE BILL NO. 1293,  
SUBSTITUTE HOUSE BILL NO. 1344,  
HOUSE BILL NO. 1352,  
SUBSTITUTE HOUSE BILL NO. 1369,  
SUBSTITUTE HOUSE BILL NO. 1464,  
SUBSTITUTE HOUSE BILL NO. 1502,  
SUBSTITUTE HOUSE BILL NO. 1543,  
HOUSE BILL NO. 1733,  
HOUSE BILL NO. 1939,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2017

**MR. PRESIDENT:**

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1100,  
HOUSE BILL NO. 1274,  
SUBSTITUTE HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1401,  
SUBSTITUTE HOUSE BILL NO. 1411,  
SUBSTITUTE HOUSE BILL NO. 1515,  
SUBSTITUTE HOUSE BILL NO. 1618,  
HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1626,  
HOUSE BILL NO. 1629,  
HOUSE BILL NO. 1640,  
SUBSTITUTE HOUSE BILL NO. 1671,  
HOUSE BILL NO. 1672,  
SUBSTITUTE HOUSE BILL NO. 1813,  
HOUSE BILL NO. 1828,  
HOUSE BILL NO. 1853,  
HOUSE BILL NO. 1959,  
HOUSE BILL NO. 2087,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5859 by Senators Sheldon and Hasegawa

AN ACT Relating to the disclosure of vehicle and vessel owner information; and amending RCW 46.12.635.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

#### MOTION

At 9:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 9:55 a.m. by President Pro Tempore Sheldon.

#### MOTION

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

### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Bailey moved that Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, be confirmed as a member of the University of Washington Board of Regents.

Senators Bailey, Lias and Fain spoke in favor of passage of the motion.

#### APPOINTMENT OF AUSTIN M. WRIGHT-PETTIBONE

The President Pro Tempore declared the question before the Senate to be the confirmation of Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, as a member of the University of Washington Board of Regents 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

#### MOTION

Senator King moved that Roger Millar, Gubernatorial Appointment No. 9193, be confirmed as a Secretary of the Department of Transportation.

Senators King, Hobbs, Frockt and Baumgartner spoke in favor of passage of the motion.

#### APPOINTMENT OF ROGER MILLAR

The President Pro Tempore declared the question before the Senate to be the confirmation of Roger Millar, Gubernatorial Appointment No. 9193, as a Secretary of the Department of Transportation.

The Secretary called the roll on the confirmation of Roger Millar, Gubernatorial Appointment No. 9193, as a Secretary of the Department of Transportation 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Roger Millar, Gubernatorial Appointment No. 9193, having received the constitutional majority was declared confirmed as a Secretary of the Department of Transportation.

#### MOTION

Senator Schoesler moved that Brett Blankenship, Gubernatorial Appointment No. 9198, be confirmed as a member of the Board of Regents, Washington State University.

Senators Schoesler and Lias spoke in favor of passage of the motion.

#### APPOINTMENT OF BRETT BLANKENSHIP

The President Pro Tempore declared the question before the Senate to be the confirmation of Brett Blankenship, Gubernatorial Appointment No. 9198, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Brett Blankenship, Gubernatorial Appointment No. 9198, as a member of the Board of Regents, Washington State University 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Brett Blankenship, Gubernatorial Appointment No. 9198, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

#### MOTION

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

SECOND READING

SENATE BILL NO. 5252, by Senators Angel and Wilson

Addressing the effectiveness of document recording fee surcharge funds that support homeless programs.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel, Nelson, Darneille and Walsh spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5252.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5252 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5252, 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. 5430, by Senators Pearson, Fortunato and Conway

Concerning notice to a victim when a registered out-of-state sex offender moves to Washington.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5430 was substituted for Senate Bill No. 5430 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5430 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5430, 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. 5227, by Senators King, Hobbs, Hasegawa, Saldaña and Kuderer

Requiring drivers to stop for approaching other on-track equipment at railroad grade crossings.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5227 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5227, 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. 5522, by Senators Palumbo, Fain and Nelson

Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5522.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5522, 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. 5196, by Senators Warnick, Hobbs, Takko, King, Chase and Honeyford

Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity.

#### MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5196 was substituted for Senate Bill No. 5196 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

Senators Chase and Rolfes spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5196.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson,

Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes and Saldaña

SUBSTITUTE SENATE BILL NO. 5196, 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. 5356, by Senators Fain, Palumbo, Miloscia, Frockt, Bailey, Rolfes, Angel, Keiser, Conway, Pedersen and Wilson

Concerning the humane treatment of dogs.

#### MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5356 was substituted for Senate Bill No. 5356 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Pedersen, Palumbo and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5356.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5356 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5356, 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. 5008, by Senators King, Hunt, Sheldon, Hobbs, Mullet and Warnick

Facilitating compliance with the federal REAL ID act by modifying driver's license and identocard design and fees.

The measure was read the second time.

#### MOTION

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Senator Hobbs moved that the following floor amendment no. 31 by Senators Hobbs, Liias, McCoy, Saldaña and Wellman be adopted:

On page 1, line 15, after "department" strike "may" and insert "must"

Senators Hobbs and King spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 31 by Senators Hobbs, Liias, McCoy, Saldaña and Wellman on page 1, line 15 to Senate Bill No. 5008.

The motion by Senator Hobbs carried and floor amendment no. 31 was adopted by voice vote.

## MOTION

Senator King moved that the following floor amendment no. 19 by Senator King be adopted:

On page 3, beginning on line 5, after "(4)" strike all material through "extended." on line 23 and insert "((a) Between July 15, 2015, and June 30, 2016, the fee for an enhanced driver's license or enhanced identicard is eighteen dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is three dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(b)) Beginning ((July 1, 2016)) on the effective date of this section, the fee for an enhanced driver's license or enhanced identicard is ((fifty-four)) twelve dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is ((nine)) two dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended."

Senator King spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 19 by Senator King on page 3, line 5 to Senate Bill No. 5008.

The motion by Senator King carried and floor amendment no. 19 was adopted by voice vote.

## MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Hobbs, Ericksen, Liias and Angel spoke in favor of passage of the bill.

Senator Saldaña spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5008.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Hasegawa, McCoy, Nelson and Saldaña

ENGROSSED SENATE BILL NO. 5008, 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. 5456, by Senators Braun and Bailey

Concerning unpaid accounts.

## MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Mullet moved that the following floor amendment no. 20 by Senator Mullet be adopted:

On page 1, line 17, after "services" insert "excluding obligations incurred through medical assistance programs administered by, and sought to be recovered by, the department of social and health services or the health care authority."

On page 1, line 17, after "property" insert "pursuant to a residential or commercial lease agreement"

On page 2, line 25, after "collection agency" strike "as defined in chapter 19.16 RCW"

On page 2, beginning on line 26, after "from the" strike "due date specified in any demand for payment from" and insert "date the medical service was provided by"

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

**"NEW SECTION. Sec. 4.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "creating" strike "a new section" and insert "new sections"

Senators Mullet and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 20 by Senator Mullet on page 1, line 17 to Substitute Senate Bill No. 5456.

The motion by Senator Mullet carried and floor amendment no. 20 was adopted by voice vote.

## MOTION

Senator Nelson moved that the following floor striking amendment no. 21 by Senator Nelson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** The legislature finds that medical debt is a significant problem impacting a person's ability to work, maintain their home, and provide for themselves and their families. The legislature further finds that understanding the causes and impacts of medical debt on Washington residents is an important first step in developing policy options to address this serious issue.

**"NEW SECTION. Sec. 6.** (1) A legislative task force on medical debt is established, with nine members appointed as follows:

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

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

(c) The director of the department of health or the director's designee;

(d) The attorney general or the attorney general's designee;

(e) A representative from an organization representing medical service providers, appointed by the chair or cochaIRS;

(f) A representative from an organization representing a nonprofit community organization, appointed by the chair or cochaIRS; and

(g) A representative of an organization that provides charity care, appointed by the chair or cochaIRS.

(2) The task force must:

(a) Choose a chair or cochaIRS from among its legislative membership at its initial meeting. The initial meeting must be called by agreement of a majority of the appointed members;

(b) Review the scope of medical debt in Washington including the major causes of medical debt, the issues and processes that occur when medical debt goes to a collection agency, and how charity care and other services provide assistance to those in need;

(c) Provide any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature. If statutory changes are recommended, the task force must provide the recommendations in the form of draft legislation. Task force recommendations require the approval of a majority of the appointed members;

(d) Ensure that the task force provides ample opportunity for input from interested stakeholders.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The department of health must cooperate with the task force and provide information and assistance at the request of the task force.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force must provide recommendations, if any, to

the appropriate legislative committees, as described under subsection (2)(c) of this section and consistent with RCW 43.01.036, by November 1, 2017.

(7) This section expires June 30, 2018."

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

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

Senator Braun spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 21 by Senator Nelson to Substitute Senate Bill No. 5456.

The motion by Senator Nelson did not carry and floor striking amendment no. 21 was not adopted by voice vote.

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Mullet and Becker spoke in favor of passage of the bill.

Senators Chase, Kuderer and Keiser spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5456.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5456, 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. 5035, by Senators Pedersen, Rivers, Cleveland, Becker, Keiser, Walsh, Conway, Bailey, O'Ban, Mullet, Kuderer, Darneille and Wellman

Concerning patients' access to investigational medical products.

## MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended,

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Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Rivers, Cleveland, Angel and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5035, 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.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Clover Creek Elementary School of Spanaway who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Pedersen: "Thank you Mr. President. I just wanted to note that my mother became the principal of Clover Park Elementary School in 1979 and served there for two years before she moved on to Thompson, also in Senator Conway's District."

#### SECOND READING

SENATE BILL NO. 5657, by Senators Miloscia and Rivers

Concerning the hosting of the homeless by religious organizations.

#### MOTIONS

On motion of Senator Miloscia, Substitute Senate Bill No. 5657 was substituted for Senate Bill No. 5657 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Takko and Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5657.

#### ROLL CALL

2017 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5657 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:34 p.m. by Vice President Pro Tempore Honeyford.

#### PERSONAL PRIVILEGE

Senator Wellman: "I rise, I hope, to stand for Washington values. Yesterday, as we sat in the Senate the Jewish Community Center on Mercer Island received a bomb threat. Hundreds of men, women and children were forced to evacuate. Streets were closed. There was a great deal of fear and turmoil. I think it is beyond belief that in our state we are experiencing this kind of terrorism. It must be condemned on every level, whether it is hate speak or actions such as these, and I hope I stand for all in this Senate when I say that we must go back to our communities and talk about what is going on in this world. Our speech is inciting others to feel empowered and we must stop that so I am using everything that I have at my disposal to share with my communities in the 41<sup>st</sup> and around the state, my Facebook page and social media, that this is not something that we tolerate. This is a place that welcomes people. This is a state that is anti-hate. Thank you Mr. President."

#### SECOND READING

SENATE BILL NO. 5038, by Senators Padden, Pedersen, Kuderer, Darneille, Frockt and Angel

Concerning disclosures regarding incentivized evidence and testimony.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5038 was substituted for Senate Bill No. 5038 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Padden moved that the following floor striking amendment no. 25 by Senators Padden and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** The definitions in this section apply throughout this section and sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Benefit" means any deal, payment, promise, leniency, inducement, or other advantage offered by the state to an informant in exchange for his or her testimony, information, or statement, but excludes a court-issued protection order. "Benefit" also excludes assistance that is ordinarily provided to both a prosecution and defense witness to facilitate his or her presence in court including, but not limited to, lodging, meals, travel expenses, or parking fees.

(2)(a) "Informant" means the following individuals who provide information or testimony in exchange for, or in expectation of, a benefit:

(i) Any criminal suspect, whether or not he or she is detained or incarcerated; and

(ii) Any incarcerated individual.

(b) An informant does not include an expert witness or a victim of the crime being prosecuted.

(3) "Statement" means an oral, written, or nonverbal communication related to the crime charged.

**NEW SECTION. Sec. 8.** (1) Before the state may introduce any testimony or statement of an informant in a trial or other criminal proceeding, the state must:

(a) Request the material and information in subsection (2) of this section from the investigative agency and the informant; and

(b) Disclose to the defendant the results of the requests in (a) of this subsection, and any other material and information in subsection (2) of this section that is known, or reasonably available to be discovered, by the state. For purposes of this section, material and information is reasonably available to be discovered if it is obtained through: (i) Communication with the informant; (ii) review of material and information internal to the office of the prosecuting attorney; or (iii) requests for material and information from prosecutors and investigative agencies in jurisdictions where the informant has a criminal record or pending criminal charges.

(2) The following material and information must be disclosed pursuant to subsection (1) of this section:

(a) The complete criminal history of the informant, including any pending criminal charges or investigations in which the informant is a suspect;

(b) Any benefit the state has provided or may provide in the future to the informant in the present case, including any written agreement related to a benefit, and information related to the informant's breach of any conditions contained within the agreement;

(c) The substance, time, and place of any statement allegedly given by the defendant to the informant, and the substance, time, and place of any statement given by the informant to law enforcement implicating the defendant in the crime charged, including the names of all persons present when any statement was allegedly given by the defendant to the informant;

(d) Any instance that the informant modified or recanted his or her testimony or statement, the time and place of the modification or recantation, the nature of the modification or recantation, and the names of the persons who were present at the modification or recantation;

(e) All other cases in which the informant offered to provide information to or testify for the state in exchange for a deal, payment, promise, leniency, inducement, or other advantage, whether or not a deal, payment, promise, leniency, inducement, or other advantage was offered or received;

(f) All other cases in which the informant testified for the state

in exchange for a benefit, or in which the informant received any benefit as a result of that testimony;

(g) The relationship between the defendant and the informant, including the amount of time they were incarcerated in the same custodial section of the jail or prison;

(h) All evidence corroborating the informant's testimony or statement implicating the defendant in the crime charged; and

(i) Any other material or information in the possession, custody, or control of the state that bears on the credibility or reliability of the informant or the informant's statement.

(3)(a) The state must disclose to the defendant the materials and information required under subsections (1) and (2) of this section as soon as practicable after discovery but no later than fourteen days before the testimony or statement is introduced in a trial or other criminal proceeding.

(b) The state may not introduce any testimony or statement of an informant in a trial or other criminal proceeding unless the materials and information required to be disclosed in subsections (1) and (2) of this section are disclosed in accordance with this subsection (3).

**NEW SECTION. Sec. 9.** If the state fails to disclose the materials and information required under section 2 of this act, the court must order the state to immediately disclose the material and information, and may:

(1) Grant a continuance, unless waived by the defendant;

(2) Preclude the informant from testifying or the prior statement from being introduced;

(3) Dismiss the action; or

(4) Enter such other order as it deems just under the circumstances.

**NEW SECTION. Sec. 10.** Nothing in sections 1 through 3 of this act diminishes federal constitutional disclosure obligations to criminal defendants or any related obligations under Washington case law, statutes, or court rules.

**NEW SECTION. Sec. 11.** Sections 1 through 4 of this act are each added to chapter 10.58 RCW.

**NEW SECTION. Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "testimony;" strike the remainder of the title and insert "and adding new sections to chapter 10.58 RCW."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 25 by Senators Padden and Pedersen to Substitute Senate Bill No. 5038.

The motion by Senator Padden carried and floor striking amendment no. 25 was adopted by voice vote.

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen and Kuderer spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5038.

ROLL CALL



The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hawkins, Honeyford and Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038, 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. 5402, by Senators Liias, Walsh, Billig, Hobbs, King and Sheldon

Creating the Cooper Jones bicyclist safety advisory council.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5402, 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. 5180, by Senators Bailey, Walsh, Darneille, Keiser, Palumbo and Conway

Establishing the legislative advisory committee on aging.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Bailey moved that the following floor amendment no. 28 by Senator Bailey be adopted:

On page 2, line 2, after "community" insert "as well as issues of importance to individuals with disabilities in Washington"

Senator Bailey spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 28 by Senator Bailey on page 2, line 2 to Substitute Senate Bill No. 5180.

The motion by Senator Bailey carried and floor amendment no. 28 was adopted by voice vote.

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Cleveland spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, 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 JOINT MEMORIAL NO. 8004, by Senators Sheldon, Honeyford, Padden, Rossi, Baumgartner, Brown, Rivers, Schoesler, Becker, Hawkins, Braun and Warnick

Requesting that certain federal officials prevent the breaching of any dam in the Columbia River system.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.  
Senator McCoy spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8004.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the memorial passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

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

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

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5378, by Senators Sheldon, Dansel, Hasegawa, Conway and Fortunato

Modifying the operation of motorcycles on roadways laned for traffic.

#### MOTIONS

Senator Sheldon moved that Substitute Senate Bill No. 5378 be substituted for Senate Bill No. 5378 and that Substitute Senate Bill No. 5378 be placed on the second reading and read the second time.

Senator Hobbs objected to the motion to Substitute by Senator Sheldon.

#### MOTION

Senator Liias demanded a division.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Sheldon that Substitute Senate Bill No. 5378 be substituted for Senate Bill No. 5378. The motion carried and Substitute Senate Bill No. 5378 was substituted on a rising vote.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Takko and Hasegawa spoke in favor of passage of the bill.

Senators Chase, Cleveland, Hobbs and Liias spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker and Wellman

SUBSTITUTE SENATE BILL NO. 5378, 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. 5517, by Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser and Schoesler

Concerning rail dependent uses for purposes of the growth management act and related development regulations.

The measure was read the second time.

#### MOTION

Senator Wilson moved that the following floor amendment no. 14 by Senator Wilson be adopted:

Beginning on page 1, line 19, after "planning." strike all material through "rail." on page 2, line 2

On page 10, beginning on line 20, after "areas" strike ". and freight rail dependent uses"

On page 10, line 25, after "for" insert "freight rail dependent uses."

Senator Wilson spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 14 by Senator Wilson on page 1, line 19 to Senate Bill No. 5517.

The motion by Senator Wilson carried and floor amendment no. 14 was adopted by voice vote.

#### MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Takko spoke in favor of passage of the bill.

Senator Liias spoke against passage of the bill.

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

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Concerning state budgeting through zero-based budget reviews.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Chase, Frockt, Hunt, Liias, McCoy, Nelson, Pedersen, Ranker and Saldaña

ENGROSSED SENATE BILL NO. 5517, 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. 5376, by Senators Sheldon and Padden

Modifying indigent defense provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Pedersen spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5376.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5376, 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. 5066, by Senators Miloscia, Rivers, Zeiger, Rossi, Fortunato, Bailey, O'Ban, Honeyford, Sheldon, Brown, Schoesler, Padden and Angel

The measure was read the second time.

#### MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

Senator Hunt spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5066.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5066, 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. 5641, by Senators Keiser and Honeyford

Changing nomenclature for first-class and second-class school districts.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5641 was substituted for Senate Bill No. 5641 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Zeiger and Liias spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5641.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun,

Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Ericksen

SUBSTITUTE SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Pursuant to Rule 37, Senator Takko, having voted on the prevailing side, gave notice of reconsideration of the vote by which Senate Bill No. 5376 passed the Senate.

#### SECOND READING

SENATE BILL NO. 5391, by Senators Zeiger, Hobbs, O'Ban, Conway, Chase and Hunt

Clarifying the powers, duties, and functions of the department of veterans affairs.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5391.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5391 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5391, 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. 5132, by Senators Rivers, Conway, Keiser and Chase

Expanding the powers of liquor enforcement officers.

#### MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Pedersen spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5132.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Frockt, Hawkins, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Fortunato, Hasegawa, Hobbs, Honeyford, Liias, Mullet, Padden, Palumbo, Schoesler, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5132, 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. 5212, by Senators Wilson, Angel, Honeyford and Schoesler

Concerning the scope of land use control ordinances for purposes of vesting.

The measure was read the second time.

#### MOTION

Senator Wilson moved that the following floor amendment no. 13 by Senator Wilson be adopted:

On page 1, beginning on line 10, after "ordinance" strike all material through "law" on line 13 and insert "(in effect at the time of application), the environmental and development regulations, and the zoning or other land use control ordinances, in effect on the date of application, without respect to whether the regulation or ordinance was enacted for the purpose of complying with state law"

On page 2, beginning on line 37, after "ordinance," strike all material through "land" on line 39 and insert "the environmental and development regulations, and the zoning or other land use control ordinances, in effect on the land, without respect to whether the regulation or ordinance was enacted for the purpose of complying with state law."

Senator Wilson spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before

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the Senate to be the adoption of floor amendment no. 13 by Senator Wilson on page 1, line 10 to Senate Bill No. 5212.

The motion by Senator Wilson carried and floor amendment no. 13 was adopted by voice vote.

## MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Fortunato spoke in favor of passage of the bill.

Senator Liias spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5212.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

ENGROSSED SENATE BILL NO. 5212, 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 Ranker: "Thank you very much Mr. President. It is times like this when we are all here and not with our families that sometimes it gets a little tough and I just got a text from my wife that I'd like to share because I am so proud. It says, Elsa, that's my daughter, 'was selected by her teacher and her school for the month of February as the child who earned the award for being the kindest kid in the school'. So, my daughter is the kindest girl in the Orcas Elementary School and I am very proud of her and I wanted to share that with you since I can't be with her."

## PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I just think we are all very proud and happy that she takes after her mother."

## SECOND READING

SENATE BILL NO. 5595, by Senators Billig, O'Ban, Darneille and Padden

Concerning maintaining the quarterly average census method for calculating state hospital reimbursements.

The measure was read the second time.

## MOTION

On motion of Senator Billig, the rules were suspended, Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5595.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5595 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5595, 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. 5393, by Senators Warnick, Liias, Takko and Pearson

Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181.

## MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5393 was substituted for Senate Bill No. 5393 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Warnick moved that the following floor striking amendment no. 12 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 13.** RCW 77.55.181 and 2014 c 120 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with

primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; ((and))

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must submit a copy of their forest practices application to the appropriate local government.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. ((The department)) A local government shall ((provide)) be provided with a fifteen-day comment period during which it ((will receive)) may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the

department of natural resources.

(c) ((Within forty-five days)) Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct."

On page 1, line 3 of the title, after "77.55.181;" strike the remainder of the title and insert "and amending RCW 77.55.181."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 12 by Senator Warnick to Substitute Senate Bill No. 5393.

The motion by Senator Warnick carried and floor striking amendment no. 12 was adopted by voice vote.

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5393.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5393 and the bill passed the Senate 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, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5393, 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. 5121, by Senators Takko, Rivers and Palumbo

Concerning fire protection district tax levies.

The measure was read the second time.

## MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5121.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5121 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5121, 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. 5679, by Senators Warnick, Wellman, Sheldon, Rivers, Wilson, Cleveland, Walsh, Takko and Rolfes

Concerning the authority of port districts to provide telecommunications services.

## MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Short moved that the following floor striking amendment no. 26 by Senator Short be adopted:

Strike everything after the enacting clause and insert the

following:

"NEW SECTION. Sec. 14. The legislature finds that:

(1) Adequate access to telecommunications facilities and services, comparable to those offered in urban areas, is essential to the economic well-being of communities in rural Washington state.

(2) Many communities, particularly in rural areas, do not have adequate access to telecommunications facilities and services.

(3) Specifying that port districts in these areas have authority to enter into contracts to attract private telecommunications companies may help to create a sufficient market for the provision of adequate retail telecommunications services.

**Sec. 15.** RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

(1) A rural port district in existence on June 8, 2000, ((may)) and port districts located in counties with a population less than seven hundred thousand are eligible to construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits utilizing unlit optical fiber for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. Nothing in this subsection shall be construed to authorize ((rural)) eligible port districts to provide telecommunications services to end users.

(2) ((A rural)) Except as provided in subsection (7) of this section, port districts providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a ((rural)) port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a ((rural)) port district establishes a separate utility function for the provision of wholesale telecommunications services under this section, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a ((rural)) port district establishes a separate utility function for the provision of wholesale telecommunications services under this section, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A ((rural)) port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A ((rural)) port district under this section shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a ((rural)) port

district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a rural port district under this title.

(7) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities. The company may be the exclusive provider of telecommunications services to end users under terms specified in the contract with the port district. For purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or otherwise restrict any other authority provided by law.

**Sec. 16.** RCW 53.08.380 and 2000 c 81 s 9 are each amended to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a rural port district or port district as identified in RCW 53.08.370(1) may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, except as provided in RCW 53.08.370. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a rural port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a rural port district or port district as identified in RCW 53.08.370(1) to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 53.08.370 and 53.08.380; and creating a new section."

Senators Short and Carlyle spoke in favor of adoption of the striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 26 by Senator Short to Substitute Senate Bill No. 5679.

The motion by Senator Short carried and floor striking amendment no. 26 was adopted by voice vote.

On motion of Senator Warnick, the rules were suspended,

Engrossed Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Carlyle, McCoy and Wellman spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5679.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 5679, 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. 5664, by Senators Braun, Takko, Hawkins and King

Eliminating the reduction in state basic education funding that occurs in counties with federal forestlands.

The measure was read the second time.

#### MOTION

Senator Wellman moved that the following floor amendment no. 37 by Senator Wellman be adopted:

On page 3, after line 38, insert the following:

"NEW SECTION. Sec. 4. The legislature recognizes that school districts may provide locally funded enrichment to the state's program of basic education. The legislature further recognizes that the system of state and local funding for school districts is in transition during 2017, with the state moving toward full funding of its statutory program of basic education, and with current statutory policies on school district levies scheduled to expire at the end of calendar year 2017. To promote school districts' ability to plan for the future during this transitional period, the legislature intends to extend current statutory policies on local enrichment through calendar year 2018.

**Sec. 5.** RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and



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thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ((2017)) 2018, in addition to the allocations included under

subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ((2017)) 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through ((2017)) 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through ((2017)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under

subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

**Sec. 6.** RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from

the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ((and))

(ii) For 2011 through ((2017)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(iii) For ((2018)) 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of

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this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**Sec. 7.** 2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

**Sec. 8.** 2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

**Sec. 9.** 2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ((2018)) 2019.

**Sec. 10.** 2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ((2018)) 2019.

**Sec. 11.** 2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ((2018)) 2019.

**Sec. 12.** 2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ((2018)) 2019."

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 4, line 1, after "**Sec. 4.**" strike "This act takes effect" and insert "Sections 1 through 3 of this act take effect"

On page 4, after line 1, insert the following:

"NEW SECTION. **Sec. 5.** Section 5 of this act takes effect January 1, 2018.

"NEW SECTION. **Sec. 6.** Section 5 of this act expires January 1, 2019.

"NEW SECTION. **Sec. 7.** Section 6 of this act takes effect January 1, 2019."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "modifying provisions to prevent a reduction in school district revenues; amending RCW 28A.150.250, 28A.520.020, and 84.52.0531; amending 2013 c

242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating new sections; providing effective dates; and providing expiration dates."

#### POINT OF ORDER

Senator Fain: "Thank you Mr. President. It is my belief upon reading this amendment that it is impermissibly outside the scope of the underlying legislation, thus violating the rules of the Senate and our Washington values."

#### REMARKS BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Honeyford: "In the tradition of the Senate we have, when one side has spoken, you may speak."

#### REMARKS BY SENATOR WELLMAN

Senator Wellman: "Thank you Mr. President. Under prior Lieutenant Governor rulings, the test for scope and object requires looking at whether the proposed amendment addresses the same subject matter and serves the same purpose as the underlying bill. Subject matter and purpose of the underlying bill is to ensure that school districts have full access to full funding streams in order to support their schools and their students. The underlying bill will help prevent 144 school districts from losing approximately five million dollars of funding next year. The amendment before you is exactly the same purpose. To ensure all our school districts can continue to have full access to the funding they need to best support our students. The amendment before us will help over 240 school districts from losing almost 400 million dollars in funding. And for these reasons I ask that you rule the amendment within the scope and object of the underlying bill. Thank you."

#### MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5664 was deferred and the bill held its place on the second reading calendar.

President Pro Tempore Sheldon resumed the chair.

#### SECOND READING

SENATE BILL NO. 5437, by Senators Chase and Honeyford

Concerning the weighmaster program.

The measure was read the second time.

#### MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5437.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill

No. 5437 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5437, 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. 5277, by Senators Padden, Pedersen, Darneille and Kuderer

Concerning disqualification of judges.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5277 was substituted for Senate Bill No. 5277 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5277.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5277 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5277, 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. 5640, by Senators Conway, Cleveland, Frockt, Zeiger and Saldaña

Concerning technical college diploma programs.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Wilson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5640.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5640 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5640, 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.

Vice President Pro Tempore Honeyford assumed the chair.

#### RULING BY THE PRESIDENT

Vice President Pro Tempore Honeyford: "In ruling upon the point of order raised by Senator Fain as to the scope and object of floor amendment no. 37, by Senator Wellman, to Senate Bill No. 5664, the President finds and rules as follows:

Senate Bill No. 5664 is a narrow measure which does one discrete thing. It eliminates the reduction of school district basic education allocations due to receipt of federal forest revenues. It is not a general education funding bill.

The amendment attempts to hang the levy cliff bill, House Bill No. 1059. While the President admires this bold move, he cannot find that Senate Bill No. 5664 is broad enough to allow this amendment.

The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

#### MOTION

Senator Wellman moved that the following floor amendment no. 42 by Senator Wellman be adopted:

On page 3, after line 38, insert the following:

**NEW SECTION. Sec. 4.** The legislature recognizes that school districts may provide locally funded enrichment to the state's program of basic education. The legislature further recognizes that the system of state and local funding for school districts is in transition during 2017, with the state moving toward full funding of its statutory program of basic education, and with current statutory policies on school district levies scheduled to expire at the end of calendar year 2017. To promote school districts' ability to plan for the future during this transitional period, the legislature intends to extend current statutory policies on local enrichment through calendar year 2018.

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**Sec. 5.** RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to

learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ((2017)) 2018, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ((2017)) 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through ((2017)) 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through and through 2018 for school districts impacted by the provisions in Senate Bill 5664, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of

this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

**Sec. 6.** RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment

due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ((and))

(ii) For 2011 through 2017 and through 2018 for school districts impacted by the provisions in Senate Bill 5664, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(iii) For ((2018)) 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

**Sec. 7.** 2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

**Sec. 8.** 2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

**Sec. 9.** 2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ((2018)) 2019.

**Sec. 10.** 2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ((2018)) 2019.

**Sec. 11.** 2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ((2018)) 2019.

**Sec. 12.** 2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ((2018)) 2019.

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

On page 4, line 1, after "**Sec. 4.**" strike "This act takes effect" and insert "Sections 1 through 3 of this act take effect"

On page 4, after line 1, insert the following:

**"NEW SECTION. Sec. 5.** Section 5 of this act takes effect January 1, 2018.

**NEW SECTION. Sec. 6.** Section 5 of this act expires January 1, 2019.

**NEW SECTION. Sec. 7.** Section 6 of this act takes effect January 1, 2019."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "modifying provisions to prevent a reduction in school district revenues; amending RCW 28A.150.250, 28A.520.020, and 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating new sections; providing effective dates; and providing expiration dates."

POINT OF ORDER

Senator Fain: "Thank you Mr. President. While there is a minor change in the attempt to alter the underlying bill, it still is a broadly an impermissible amendment that is wildly outside the scope of the underlying bill, which is dealing with the forestland revenues. This a completely separate piece of policy and it would be impermissible to add this to the underlying bill."

Senator Wellman: "Thank you Mr. President. I believe this is within the scope. It leads directly to the 144 school districts that are contained within the good Senator's bill and would save the five million dollars of the school funding that the district would be losing. So, it is very specific. It relates to school funding and the need for school funding, and I think it is entirely within the scope. Thank you."

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Honeyford: "In ruling upon the Point of Order raised by Senator Fain as to the scope and object of floor amendment no. 42 to Senate Bill 5664, the President finds that this amendment was not significantly different from the last amendment and this amendment is also out of order."

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Rolfes and Wellman spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5664.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5664 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Frockt, Liias, McCoy, Mullet and

Nelson

SENATE BILL NO. 5664, 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.

President Pro Tempore Sheldon resumed the chair.

#### MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5798 was not substituted for Senate Bill No. 5798 and the substitute bill was not adopted.

#### SECOND READING

SENATE BILL NO. 5798, by Senators Braun, O'Ban, Brown, King, Short, Fortunato, Sheldon, Warnick, Angel, Becker, Schoesler, Zeiger and Wilson

Changing rule-making requirements to require a yearly expiration.

The measure was read the second time.

#### MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

Senator Hunt spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5798.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5798 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5798, 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. 5631, by Senators Becker and Frockt

Concerning the University of Washington's alternative process for awarding contracts.

The measure was read the second time.

#### MOTION

On motion of Senator Fain, the rules were suspended, Senate

Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5631.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Baumgartner, Ericksen, Padden and Short

SENATE BILL NO. 5631, 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. 5357, by Senators Ranker, Fain, Billig, Sheldon, Hunt, Palumbo, Zeiger, Hobbs, Rolfes, Pearson, Rivers, Carlyle, Saldaña, Walsh, Liias, Conway, Kuderer and Hasegawa

Establishing a pilot project to license outdoor early learning and child care programs.

#### MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5357.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

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



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SUBSTITUTE SENATE BILL NO. 5357, 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. 5039, by Senators Pedersen, O'Ban, Frockt and Padden

Adopting the uniform electronic legal material act.

The measure was read the second time.

## MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5039.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5039 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5039, 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. 5010, by Senator Warnick

Promoting water conservation by protecting certain water rights from relinquishment.

The measure was read the second time.

## MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator McCoy spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5010.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5010, 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. 5837, by Senators Saldaña, Hawkins, Hobbs, Hasegawa, Frockt and Kuderer

Expanding high occupancy vehicle lane access to blood-collecting or distributing establishment vehicles. Revised for 1st Substitute: Addressing high occupancy vehicle lane access for blood-collecting or distributing establishment vehicles.

## MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5837 was substituted for Senate Bill No. 5837 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, King and Lias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5837.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5837 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5837, 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. 5237, by Senators Bailey, Wilson, Chase, Rivers, Keiser, Rolfes, Zeiger and Kuderer

Updating workforce investment act references and making no substantive changes.

The measure was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5237.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5237 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5237, 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. 5439, by Senators Braun, Sheldon, Rivers, Becker, Schoesler, Bailey, Brown, Warnick, Fortunato, Honeyford and Takko

Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities.

The measure was read the second time.

#### MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Honeyford and Carlyle spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5439.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Darneille, Liias and McCoy

SENATE BILL NO. 5439, 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. 5190, by Senators Conway, King, Keiser, Braun and Chase

Concerning the member requirement for bona fide charitable or nonprofit organizations.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5190.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Chase

SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:11 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

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#### EVENING SESSION

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The Senate was called to order at 6:22 p.m. by President Pro

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Tempore Sheldon.

## MOTION

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

## MESSAGES FROM THE HOUSE

February 27, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1319,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,  
ENGROSSED HOUSE BILL NO. 1551,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 28, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1010,  
SUBSTITUTE HOUSE BILL NO. 1038,  
SUBSTITUTE HOUSE BILL NO. 1235,  
SUBSTITUTE HOUSE BILL NO. 1279,  
SUBSTITUTE HOUSE BILL NO. 1320,  
SECOND SUBSTITUTE HOUSE BILL NO. 1341,  
HOUSE BILL NO. 1395,  
HOUSE BILL NO. 1400,  
SUBSTITUTE HOUSE BILL NO. 1417,  
HOUSE BILL NO. 1437,  
SUBSTITUTE HOUSE BILL NO. 1526,  
HOUSE BILL NO. 1560,  
SUBSTITUTE HOUSE BILL NO. 1568,  
SUBSTITUTE HOUSE BILL NO. 1586,  
HOUSE BILL NO. 1676,  
SUBSTITUTE HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1931,  
HOUSE BILL NO. 1965,  
HOUSE BILL NO. 1983,  
SUBSTITUTE HOUSE BILL NO. 2016,  
HOUSE BILL NO. 2038,  
HOUSE BILL NO. 2097,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4008,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 28, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1036,  
SUBSTITUTE HOUSE BILL NO. 1218,  
SUBSTITUTE HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1470,  
HOUSE BILL NO. 1494,  
SUBSTITUTE HOUSE BILL NO. 1605,  
HOUSE BILL NO. 1616,

HOUSE BILL NO. 1627,  
SUBSTITUTE HOUSE BILL NO. 1845,  
HOUSE BILL NO. 2064,  
HOUSE JOINT MEMORIAL NO. 4002,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## SECOND READING

SENATE BILL NO. 5170, by Senator Ericksen

Concerning independent remedial actions under the model toxics control act.

## MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 5170 was substituted for Senate Bill No. 5170 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

Senators Carlyle and Ranker spoke against passage of the bill.

## MOTION

On motion of Senator Saldaña, Senator Chase was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5170.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5170, 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. 5445, by Senators Padden, O'Ban, Sheldon, Chase and Fortunato

Prohibiting the use of eminent domain for economic development.

The measure was read the second time.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 34 by Senator Rolfes be adopted:

On page 2, line 31, after "any public" insert "or private"  
On page 2, line 33, after "entity" insert "or private entity"

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

Senator Padden spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 34 by Senator Rolfes on page 2, line 31 to Senate Bill No. 5445.

The motion by Senator Rolfes did not carry and floor amendment no. 34 was not adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5445.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5445, 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. 5018, by Senators Hasegawa and Kuderer

Authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes.

#### MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5018 was substituted for Senate Bill No. 5018 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and King spoke in favor of passage of the

bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5018.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5018 and the bill passed the Senate 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, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5018, 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. 5239, by Senators Warnick, Takko, Ericksen, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden

Ensuring that water is available to support development.

#### MOTION

On motion of Senator Warnick, Second Substitute Senate Bill No. 5239 was substituted for Senate Bill No. 5239 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Warnick moved that the following floor amendment no. 43 by Senator Warnick be adopted:

On page 1, line 14, after "adopted" strike "under chapter 90.54 RCW"

On page 2, line 1, after "efficiency.))" insert "Providing evidence of an adequate water supply under this subsection does not require impairment review by the applicant or local permitting authority."

On page 11, line 8, after "supplies." insert "Such a determination does not require impairment review by the applicant, city, town, or county."

On page 11, line 16, after "aquatic" strike "resources" and insert "habitat"

On page 12, beginning on line 6, strike all of section 5

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

On page 1, line 2 of the title, after "58.17.110," insert "and" and on line 3, after "90.03.247" strike ", and 90.54.120"

Senator Warnick spoke in favor of adoption of the amendment.

Senator McCoy spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 43 by Senator

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Warnick on page 1, line 14 to Second Substitute Senate Bill No. 5239.

The motion by Senator Warnick carried and floor amendment no. 43 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Chase, McCoy and Ranker spoke against passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0;

Excused, 0.

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

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

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

MOTION

At 7:13 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Wednesday, March 1, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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1022-S		1369-S	
Messages .....	1	Messages .....	1
1036-S		1395	
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1038-S		1400	
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1095		1401	
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1100-S		1411-S	
Messages .....	1	Messages .....	1
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Messages .....	1	Messages .....	27
1149-S		1431-S	
Messages .....	1	Messages .....	27
1153-S		1437	
Messages .....	27	Messages .....	27
1218-S		1464-S	
Messages .....	27	Messages .....	1
1232-S		1470	
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1235-S		1489-S	
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1239-S		1494	
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1250		1502-S	
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1267		1514-S	
Messages .....	1	Messages .....	27
1274		1515-S	
Messages .....	1	Messages .....	1
1279-S		1526-S	
Messages .....	27	Messages .....	27
1293-S		1543-S	
Messages .....	1	Messages .....	1
1296-S		1547-S	
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1319-S		1551	
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9193 Roger Millar

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