## SEVENTEENTH DAY

#### MORNING SESSION

Senate Chamber, Olympia Wednesday, January 27, 2016

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Owen presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Erik Conner Mohn and Mr. Douglas Black Peecher, presented the Colors.

Page Mr. Theron Green Arnold, led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Pearson.

## **MOTION**

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

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 26, 2016

<u>SB 6151</u> Prime Sponsor, Senator Litzow: Concerning sexual assault protection orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille; Frockt; Pearson and Roach

Passed to Committee on Rules for second reading.

January 26, 2016

SB 6160 Prime Sponsor, Senator O'Ban: Regulating the manufacture, sale, distribution, and installation of motor vehicle air bags. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille; Frockt; Pearson and Roach.

Passed to Committee on Rules for second reading.

January 26, 2016

SB 6229 Prime Sponsor, Senator O'Ban: Streamlining foster care licensing. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6229 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice

Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

January 26, 2016

<u>SB 6361</u> Prime Sponsor, Senator Pedersen: Adopting the uniform electronic legal material act. Reported by Committee on Law & Justice

MAJORITY recommendation; Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille; Frockt; Pearson and Roach.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Fain, and without objection, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6229 which was referred to the Committee on Ways & Means.

## MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the third order of business.

# MESSAGE FROM THE SECRETARY OF STATE

# CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 735

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 735 to be examined in the following manner:

- It was determined that 333,040 signatures were submitted by the sponsors of the initiative. A random sample of 10,124 signatures was taken from those submitted;
- 2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 8,895 valid signatures, 1,209 signatures that were invalid and 20 pairs of duplicated signatures in the sample;
- 3. We calculated an allowance for the chance error of sampling (52) by multiplying the square root of the number of invalid signatures by 1.5;
- 4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (41,487) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
- 5. We determined the maximum allowable number of duplicate pairs of signatures on the petition (45,181) by

subtracting the sum of the number of signatures required by Article 11, Section 1of the Washington State Constitution (246,372) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

- 6. We determined the expected number of duplicate pairs of signatures in the sample (42) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
- 7. We determined the acceptable number of duplicate pairs of signatures in the sample (31) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and
- The number of duplicate pairs of signatures in the sample is less than the acceptable number of duplicate pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 735 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Seal of the State of Washington this 26th day of January, 2016

Kim Wyman Secretary of State

(Mark Neary, Assistant Secretary of State)

**SEAL** 

# **MOTION**

On motion of Senator Fain, and without objection, the Senate advanced to the fifth order of business.

# INTRODUCTION AND FIRST READING

# SI 735

Objecting to the influence of corporations and money in our political system.

Referred to Committee on Government Operations & Security.

<u>SB 6571</u> by Senators Conway, Hasegawa, Chase, Keiser, Fraser and Frockt

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; and amending RCW 39.04.350.

Referred to Committee on Commerce & Labor.

SB 6572 by Senators Conway, Hasegawa, Chase, Keiser and Fraser

AN ACT Relating to improving compliance with prevailing wage procedures; and amending RCW 39.12.050.

Referred to Committee on Commerce & Labor.

SB 6573 by Senators Conway, Keiser, Hasegawa and Fraser
 AN ACT Relating to establishing the prevailing rate of wage based on collective bargaining agreements or other methods

if collective bargaining agreements are not available; and amending RCW 39.12.015.

Referred to Committee on Commerce & Labor.

SB 6574 by Senators Conway, Hasegawa, Chase, Keiser, Fraser and Frockt

AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.350 and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Commerce & Labor.

SB 6575 by Senators Conway, Hasegawa, Chase, Keiser, Fraser and Frockt

AN ACT Relating to the time period for workers to recover wages under prevailing wage laws; and amending RCW 39.12.015.

Referred to Committee on Commerce & Labor.

SB 6576 by Senators Warnick, Schoesler, King, Honeyford and Brown

AN ACT Relating to contingency plans for the transport of biological oils and blends by railroads; and amending RCW 90.56.210.

Referred to Committee on Energy, Environment & Telecommunications.

# SB 6577 by Senator Warnick

AN ACT Relating to modifying the penalty for taxpayers that do not submit an annual survey or report; amending RCW 82.32.534 and 82.32.585; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

# SB 6578 by Senators Baumgartner and Braun

AN ACT Relating to local regulation of private employers; amending RCW 49.46.120 and 49.78.360; adding a new section to chapter 35.21 RCW; adding a new section to chapter 53.08 RCW; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

# SB 6579 by Senators Baumgartner and Braun

AN ACT Relating to creating real reform in industrial insurance through privatization and competition; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

# SB 6580 by Senators Brown, Schoesler and Hewitt

AN ACT Relating to financing of improvements for stateowned lands to be transferred for private development; and adding a new chapter to Title 39 RCW.

Referred to Committee on Trade & Economic Development.

SB 6581 by Senators Warnick, Parlette, Hasegawa and Conway
 AN ACT Relating to requiring completion of an apprenticeship program to receive a journey level or

residential specialty electrician certificate of competency; amending RCW 19.28.161, 19.28.191, and 19.28.205; adding a new section to chapter 19.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 6582 by Senators Chase, Hewitt, Rolfes, Hasegawa, Jayapal, McAuliffe, Ranker, Conway and Frockt

AN ACT Relating to cetacean captivity; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

<u>SB 6583</u> by Senators Miloscia, Padden, O'Ban, Pearson and Sheldon

AN ACT Relating to performance management systems at the state department of corrections; adding new sections to chapter 72.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Accountability & Reform.

SB 6584 by Senators Pearson, Bailey and Warnick

AN ACT Relating to establishing a proof of water reliance application process by which any property owner who relies on legal water availability to obtain a building permit prior to the invalidation of an instream flow rule may secure proof that continued use of water at the property will not be considered to be causing impairment of minimum flows; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6585 by Senators Cleveland, Rivers, Keiser, Becker, Frockt, Bailey, Conway, Jayapal, Billig and Hasegawa

AN ACT Relating to elder justice centers; adding a new section to chapter 74.34 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 6586 by Senator Fain

AN ACT Relating to requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children; amending RCW 13.34.360; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

<u>SB 6587</u> by Senators Liias, Bailey, Frockt, Miloscia and McAuliffe

AN ACT Relating to services and activities fees at institutions of higher education; and reenacting and amending RCW 28B.15.069.

Referred to Committee on Higher Education.

SB 6588 by Senators Chase, McAuliffe, Hasegawa and Conway

AN ACT Relating to music education in elementary schools; amending RCW 28A.150.315 and 28A.300.040; and adding a new section to chapter 28A.230 RCW.

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

SB 6589 by Senators Bailey, Pearson and Warnick

AN ACT Relating to a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

## MOTION

On motion of Senator Fain, and without objection, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### **MOTION**

On motion of Senator Fain, and without objection, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

<u>EDITOR'S NOTE:</u> Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

### **MOTION**

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

# **MOTION**

Senator Becker moved adoption of the following resolution:

# SENATE RESOLUTION 8694

By Senators Becker, Hewitt, Brown, Ranker, Benton, Warnick, and Dammeier

WHEREAS, Families across Washington depend on the safe and nutritious dairy products provided by the dairy farmers of Washington state; and

WHEREAS, There are approximately 437 family dairy farms in Washington state with approximately 273,000 dairy cows; and

WHEREAS, Washington state ranks ninth in total milk production in the United States, producing 6,584 million pounds annually; and

WHEREAS, Washington ranks sixth in milk production per cow at 24,117 pounds of milk per year; and

WHEREAS, Milk is the second highest dollar-valued agricultural commodity produced in Washington, valued at 1.28 billion dollars; and

WHEREAS, Dairy farming has an annual economic impact of 5.2 billion dollars; and

WHEREAS, There are over 6,184 on-farm dairy jobs in 39

counties across Washington, and over 18,066 jobs in the dairy industry in total; and

WHEREAS, The Washington State Dairy ambassadors for 2015-2016 are Ambassador Nicole Buell of Marysville and alternate ambassadors Lynda Johnson of Ethel and Amanda Howe of Lynden; and

WHEREAS, Dairy Day at the Legislature is January 27, 2016, when legislators will visit with the dairy producers of the state and enjoy ice cream handed out by the Washington State Dairy Federation, Washington State Dairy Women, and the state and county dairy ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Nicole Buell, alternate ambassadors Lynda Johnson and Amanda Howe, and the Washington State Dairy Federation.

Senators Becker, Dansel, Ericksen, Honeyford, Nelson, Takko and Warnick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

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

# INTRODUCTION OF GUESTS

The President welcomed and introduced Miss Nicole Buell, Dairy Ambassador of Marysville; Miss Lydia Johnson, Washington State Alternate Dairy Ambassador of Ethel; and Miss Amanda Howe, Washington State Alternate Dairy Ambassador of Lynden who were seated at the rostrum.

The President also welcomed and introduced County Dairy Ambassadors: Miss Jana Plagerman, Whatcom County; Miss Alicia Smaciarz, Lewis County; Miss Grace Kuipers, Skagit County; Miss Becca Bartelheimer, Snohomish County; Miss Ashley Hanson, Inland Northwest; Miss Tiana Peterson, King-Pierce Counties; Miss Caitlin Meek, Grays Harbor; Miss Jessica Stoutjesdyk, Yakima Valley, Miss Pamela Roosma, Whatcom County Alternate; Miss Kaitlyn Meissner, Snohomish County Alternate; Miss Allyson Carothers, Snohomish County Alternate. Miss Katelyn Bank, Yakima Valley Alternate, Miss Natalie Banges, Yakima Valley Alternate. The Dairy Ambassadors were accompanied by their families; representatives from the Washington State Dairy Women; the Washington Dairy Products Commission commissioners and staff; and the Washington State Dairy Federation Board and staff who were all present in the gallery.

With permission of the Senate, business was suspended to allow State Dairy Ambassador, Miss Nicole Buell to address the senate.

# MISS NICOLE BUELL, STATE DAIRY AMBASSADOR

Miss Buell: "Good Morning, it's so wonderful to be speaking with you all here today; my name is Nicole Buell and I am your Washington State Dairy Ambassador. As a dairy ambassador,

many assume that I come from a long line of dairy farmers but the truth is I live in the city of Marysville and I have never owned a dairy cow. My passion for the dairy industry grew out of the generosity and support of all our local dairy farmers like the Renevolts who allowed me to show their dairy cows and provided many opportunities to learn how a dairy farm is operated. I witnessed first-hand the dairy farmer's hard work and commitment to proving all of us with safe and high quality dairy products. Dairy families are just like yours and mine, with husbands, wives, and children. In fact those family dairies own and operate ninety-seven percent of all United States Dairy Farms reassuring that dairy farming in Washington is deeply rooted in family values. These values generate a strong sense of responsibility and community which is reflected in the economic impact that dairy farming has in Washington. Dairy Farms can be found in twenty-nine of Washington's thirty-nine counties, providing jobs and supporting other businesses in their communities. Statistical values from 2013 show that dairy farms directly generated 6,184 jobs and 12,159 jobs were created as a result of dairy farming. The total combined number of jobs created by dairy farming in Washington was over18,000 which supports Washington's second largest agricultural commodity and contributes 5.2 billion dollars to Washington's economy. Therefore where milk goes jobs follow. Jobs follows milk as it moves from the farm to retail and are also created within the supply and services that support the industry. In addition I supporting our economy, dairy farmers invest in the youth which is why they continue to support programs such as WIAA state sports and scholastic achievements, as well as programs like 'fuel up to play sixty' which encourage a life style of healthy eating and physical activity. They are also involved in many community outreach programs, such as Northwest Farmers Fighting Hunger and Give a Gallon milk drives. Caring for the air, land, and water is another high priority for dairy farmers. Taking care of the natural resources that we all share. For example, dairy farmers reuse the water on their farms up to eight times, and they invest in new technologies such as methane digesters that can convert manure into electricity, which can then be used to power their homes, their farms, and their communities. Dairy farmers are highly committed to providing for the health and wellbeing of their communities, which is why your local farmers need your continued support. So the next time you go to consume your favorite dairy product, please remember the dairy family that gives sixteen hours or more every single day of the year to support Washington state. I thank you for your time today, and I appreciate the opportunity to speak here on behalf of all the Washington state dairy industry. I'd also like to invite everyone again to join us for some delicious ice cream and cheese in the rotunda at noon. Thank you."

# MOTION

Senator Brown moved adoption of the following resolution:

# SENATE RESOLUTION 8697

By Senators Brown, Schoesler, and Hewitt

WHEREAS, Senator Max Benitz served a total of twenty-one years as a Washington state legislator for the 8th District, serving first in the House of Representatives from 1968 to 1972, then serving in the Senate from 1974 to 1986; and

WHEREAS, Senator Benitz was known throughout the state for his immense knowledge of agriculture, touring Russia and the Far East to exhibit his expertise in farming, where he was featured in a film by Walter Cronkite comparing food production techniques between the two regions; and

WHEREAS, Senator Benitz was elected President of the National Farm Bureau Board of Directors, and awarded the special privilege of sitting on the National Farm Bureau Board of Directors for two consecutive terms; and

WHEREAS, Senator Benitz fervently worked to stimulate the wine industry, passing laws such as the 1981 Family Wine Act, helping incentivize small farms to experiment with wine making, the 1987 Washington Wine Commission bill, making wine in Washington not only of national importance but of international importance as well; and

WHEREAS, Senator Benitz, known as "Mr. Energy," adamantly supported the promotion of energy in Washington, firmly advocating for the creation of a comprehensive national energy policy, and working alongside engineers and nuclear scientists at Hanford; and

WHEREAS, Senator Benitz was renowned for his pro-nuclear work, receiving special assignments on the Joint Select Committee for Water Resource Policy as well as on the Hazardous Material Planning Committee; and

WHEREAS, Senator Benitz sat on the Committee on Education, and was heavily involved with bringing Washington State University to the Tri-Cities area; and

WHEREAS, Senator Benitz loved his family, which included his wife Marie, his five children, eleven grandchildren, and two great grandchildren at the time of his death in 1990; and

WHEREAS, Senator Benitz was known not only as a beloved family man, but also as a statesman in every meaning of the word, well-liked on both sides of the aisle based on his keen ability to listen to his constituents, use his immense knowledge to make informed decisions, and act on behalf of the state that he adored so much;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Senator Benitz for his valiant work in the areas of agriculture, viticulture, education, and energy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senator Benitz's family and to the Prosser community.

Senator Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

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

## INTRODUCTION OF GUESTS

The President welcomed and introduced members of the family of late Senator Max Benitz who were seated in the gallery.

## PERSONAL PRIVILEGE

Senator Carlyle: "Thank you Mr. President. Mr. President I rise to acknowledge the gracious welcome of my colleagues and provide a modest honoraria in recognition of the distinguished honor of joining this institution. Mr. President I've had the honor of succeeding the indefatigable Jeanne Kohl-Welles and the

gracious Helen Sommers in the House and it's a real honor to stand with you and not only join this institution but to do so in their footsteps. In Senator Kohl-Welles' footsteps. Mr. President I have in the caucus rooms, homemade Eltana bagels which are not normal, New York bagels or something fancy like that. They are a small company that I am an investor in in Seattle where we have a handful of stores. But what's special about Eltana bagels is that they have the Jewish soul that comes from Jewish values. We founded this company on this very idea that family values and Jewish values are integral to successful business. And if I may Mr. President great companies like Costco are founded on some of those core principles as is the great company of Starbucks as well. Mr. President my legislative district includes northwest Seattle, the iconic Space Needle and my good friend Senator Ericksen often makes remarks about the shadow of the Space Needle and sometimes he does so with a little less than a compliment intended. But the fact of the matter is that we are one Washington. And the fact of the matter is that the economy, the social fabric, the cultural values of my district of Seattle, of King County, of our entire state are so united in a deeper sense of commitment to our civic quality of life. For me, Mr. President, a few weeks ago I had a decision to make. And that decision was to join this institution or to seek other opportunities. And I came home that very night in making that decision and something struck me. I walked in and I had one of those deeply personal and spiritual and emotional opportunities where I walked into my home and my wife, Wendy Carlyle, and my four children age 18, 16, 14, and 9 were on the living room floor playing a game of cards. And they were laughing. And it was so deeply moving. And I thought for a moment that the honor of public service in a citizen legislature is profoundly different than being consumed by the challenges of the type of full-time work that serving another body sometimes entails. And so Mr. President, I made a choice at that very moment, that our part-time citizen legislature represented by this institution is not only an honor but it is an opportunity to engage in civic life and we can do so in a way that honors our families. That connects with our children in such a deep way. That allows us to turn off the computers, turn off the noise, and reconnect to our own children. There are a number of members, Senator Mullet, Senator Baumgartner, Senator Pedersen, all of us have four children, and there are others that have of course many. And I find it such a blessing, it's the blessing of my life and it reminds me every day how extraordinary it is to serve in a parttime citizen legislature and to have the quality of life, to be present emotionally and spiritually for your family, for your community, and with that I am so grateful for the opportunity to be with you. I hope you enjoy Eltana's homemade bagels which were made about three hours ago and a small token. Mr. President thank you so much for the gracious and kind welcome."

#### PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President I just wanted to also welcome the good senator from the 36th district to the chamber. I appreciate his speech it was very heartfelt, somewhat long, but I've heard from our colleagues in the other chamber that that is not necessarily out of character with this particular member. But I do know that everything you share with this chamber will be both, will be transparent, will be data driven, it'll be authentic, I imagine great courageous conversations, because Mr. President we are so much better than what we've become. But I'm very glad that you are here Senator Carlyle. Welcome to the Senate."

#### PERSONAL PRIVILEGE

Senator Hobbs: "Yeah, I'd like to also welcome the new Senator. You represent your district well, the 36<sup>th</sup> district, the people there are very verbose, they are very smart people, they will tell you that themselves. They're a proud, strong people, and they will tell you that, over and over again, about their personal lives and struggles, even if you've heard it multiple times. And so, I know the last senator represented the district well, and Senator Carlyle, you are definitely representing your district, so thank you for coming here."

# PERSONAL PRIVILEGE

Senator Dammeier: "Thank you Mr. President. I want to follow on the good Senator Fain's words, I had the privilege of serving with Senator Carlyle in the other body for four years and you did a pretty good job, because I can assure you that we are going to have many courageous conversations, but they are going to be incredibly meaningful, and incredibly powerful about incredibly important topics of significant fiduciary responsibilities. So, with all that said, I welcome the good senator and look forward to serving with him."

### PERSONAL PRIVILEGE

Senator Baumgartner: "I would like to start by reading the definition of hyperbole. If I may? Hyperbole - use of exaggeration as a rhetorical device or figure of speech. Now some might say that we already have too much hyperbole on this Senate floor, but I say we need more. And some might say that any mundane bill could just be addressed for the facts within it, but I like to think that each and every bill should be described as perhaps a great challenge. You know illuminating things such as the invasion at D day, or the great struggle of civil rights, you know it might be moving a comma, might be simply honoring a person, but if we don't have enough hyperbole, on this Senate floor, the people won't listen. And I am so excited about what we have happening today, this new member, that I dressed for the occasion, so I would like to welcome my new friend to the Senate with both a celebration of hyperbole and a celebration of plaid. Thank you Mr. President."

# PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President. Well for those of you who did not have the pleasure at some point in your legislative career to actually serve in the House of Representatives, you will not always appreciate what happens there at two or three in the morning when certain members of the legislature feel the need to speak, for long periods of time, on the House floor. Eloquently yes, but long always. And one of the best, that I shall never forget from my days over in the other chamber was late at night when one gentleman that represented an area that, that great sea of concrete, as we refer to it there in the greater Seattle area, where you'll have more concrete you can see from towers there, you can see in my entire legislative district. One night he brought to us a new term I hadn't heard before, and it was a great concept of rural socialism. And he reminded all of us that do not live within the shadow of the Space Needle, that all we are really are rural socialists, just feeding off the graciousness and goodness of the people that live within that great sea of concrete in Seattle, and without them we would be unable to exist because we are dependent upon their graciousness as the socialists that he informed us we truly are in those hither regions of Washington state that only earn and desire to someday live in the concrete jungle. And I must say that I do enjoy those trips you know through Seattle, now most of the time I spend it on I-5 stuck in traffic looking at the Space Needle, which is always enjoyable trying to get out of there as quickly as possible, unless I'm going to a Mariner's game and it is a great place. And I have to say truly as one of those rural socialists that he talked about so frequently and so eloquently on the House floor I truly, under his tutelage, have come to appreciate and love the Space Needle."

# PERSONAL PRIVILEGE

Senator Schoesler: "Mr. President, I've already reverted to rookie form after that gentleman joined us. I will say unlike his predecessor, we're not sure if he actually inhaled, we'll have to find out. The other thing is that I've never criticized a member's gift in this body and the bagels are a wonderful gift, but the suggestion I made a few days ago would have been the ultimate gift. Welcome Senator."

#### PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, when I was elected, so is now Senator Carlyle, and they didn't have any training for the senators so I went to the House training, and I being a new legislator was really nervous and at that time, Representative Carlyle, and Representative White, kind of got me by both arms and said we'll take care of you. It has been a real honor to know you a little bit, but I'm really excited about you being here, simply because we're going to harass the heck out of you and give you such a bad time and unlike your predecessor I'm glad you haven't inhaled."

# PERSONAL PRIVILEGE

Senator Jayapal: "Thank you Mr. President. I wanted to welcome Senator Carlyle to this body, this is taking me back to a year ago when I got roasted like this here and it's really great to have you here. The day that I, I think shortly after I announced that I was running for the state Senate, Senator Carlyle, then Representative Carlyle, reached out to me and we had a great conversation at a coffee shop downtown and we talked about how we need to reform the tax system and all of the things that we need to do there and he's done so much work on that and on accountability issues and it's really wonderful to have another partner here in the state Senate. And I do have to say I'm so pleased on numerous levels that you made the choice you did. Thank you Senator Carlyle and welcome."

# PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. Well, I'm not sure how I feel about having this new senator here. It's been called to my attention because I tried to forget it, but now I remember it. I think this new senator, when he was a representative, wrote a letter to the people of Wenatchee, and it was in the Wenatchee World about some building there, and he never told me. And normally we learned, as a legislator, the rule of no surprises when you visit somebody's district, or if you send a letter to the biggest newspaper in the area. So, I still haven't gotten over that, but maybe he will, maybe he will give me two of these. Nope, he only gave me one. And the other thing is, I had the wonderful opportunity to serve with, in the House of Representative, for four

years, Helen Sommers. I had the wonderful opportunity to be ranking on a committee that Senator Kohl-Welles chaired. We had a wonderful relationship. I did with both of those ladies. One spoke a lot, the other, Representative Sommers, did not speak a lot, but when she spoke, we all listened. I think that's advice, I'm not trying to be patronizing, even though that letter to the editor of the people of Wenatchee, the good people of Wenatchee, was sort of that way. But I look forward to working together with the new senator, I'm sure we have a lot to learn from each other. Thank you."

#### PERSONAL PRIVILEGE

Senator Nelson: "Well I also rise welcoming the new senator and he will be a good addition to this body, with a lot of thoughtfulness and a lot of intellect. But I hope from your welcome Senator Carlyle, you've learned that we are a body that also will give lessons to new members and I hope today is when you will remember, welcome to the Senate."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Carlyle, your reputation comes before, along with you about the length of your speeches which fits right into that district and your predecessor. It is one of those things that has caused us to implement the three minute rule on many more occasions than my first twenty-five years that I've served here. But I do appreciate the fact that you did give me a deck of cards, because now with you in caucus, I expect I'll have a lot more time to play cards. So something to do. Welcome to the Senate, we appreciate the gifts, thank you very much."

# PERSONAL PRIVILEGE

Senator Takko: "Well I'd like to also as the good gentleman in the back came over with me, give a little gift and say a few words. Unlike Senator Carlyle, I didn't have a spiritual moment, I had a senior moment and I realized I probably belong in the Senate. I have a feeling I'm going to have a good time over here. I did bring a gift for everyone and it kind of represents my district and if you don't mind, I'd like to take a few moments to explain what the gift is and why it represents the district. I'll try not to be as lengthy as Senator Carlyle. A lot of you think of the 19th district as just being a lot of trees, which is true, we have a big timber industry down there with many pulp and paper mills and saw mills but there's more to the district than that. What I've brought was some craisins, we grow a lot of cranberries in the 19<sup>th</sup> district, 1.5 million pounds on average each year, and we also have large processing plants down there, so enjoy your craisins. Also, I have in there a bar of soap, and you're probably wondering 'what's a bar of soap doing in there?' One thing that you probably don't realize about my district, and probably many others, is we've got businesses that make a lot of products that we don't even realize, and then down at the beach I have a soap company called Harmony Soapworks that makes a lot of soap and you probably haven't heard about it because almost all their product is shipped to Japan. When we talk about Washington state being one of the, that exports is one of the biggest things we have going for us, we export a lot of things out of our district besides lumber and timer, we also export the soap, crabs, there's a lot of things going on in my district. Also in there is a can of smoked oysters and one factoid that I really enjoy telling people, is one quarter of all the oysters in the United States come from my district. And it

employs, I don't know how many, but it's a huge employer in the 19<sup>th</sup> district and something, Mr. President, you might be interested in, many people refer to the oyster as nature's Viagra. So I hope you'll enjoy it. So with that, I'm very pleased to be over here. I've been warmly welcomed and I look forward to serving a long time. Thank you."

## PERSONAL PRIVILEGE

Senator Hargrove: "Yes, Senator Takko you have very big shoes to fill, because your predecessor Senator Hatfield was also known to all of us as Mr. Furious, so you're going to need to learn how to hold your breath, have the veins stick out on your neck, your face get very red as you scream at us about something. So unless you can do that, you're going to be a cut below your predecessor. So I'm imploring you to take lessons. I think he's in the wings, he might actually be able to share some of that with you today. Thank you."

## PERSONAL PRIVILEGE

Senator Dammeier: "I'm not sure, but I thought as I was listening to the good senator from the 19<sup>th</sup> speech, I thought after his reference, in conjunction with his reference to Viagra, which I wasn't quite familiar with, I thought that he said the 19<sup>th</sup> district also exports crabs and that they have a lot of things going on in there so I'm not quite sure I want to visit the 19<sup>th</sup> Mr. President."

### PERSONAL PRIVILEGE

Senator Liias: "I appreciate the fact that Senator Takko included the soap because my mother would tell us that him and Senator Dammeier could wash their mouths out with it at this point. I rise to welcome Senator Takko. Senator Takko is actually half Finnish, and for the rest of you in the chamber, that means he's fifty percent better than you. Senator Carlyle also teases me a lot about the amount of time I spend in his district because I do enjoy beautiful downtown Seattle, but truth be told, in the course of my life, I've probably spent the most time outside my district in the 19th. My grandparents live in Astoria, Oregon and so weekends, every summer, driving down through Longview, and along the coast, enjoying the beautiful scenery that Senator Takko's described, I'm excited to have someone who's spent almost as much time in Astoria as I have, here representing the people of the coast and I know we look forward to welcoming Senator Takko. The one final note I'll make is last fall I had an opportunity to go on an extended trip to learn about climate change and some other things in Denmark, and I had the great fortune of spending six hours in the Toronto airport with Senator Takko, one on one, and if any of you are wondering if he can talk continuously for six hours, I'm here to report he can, actually. And he had a lot of great stories to tell, I encourage you to ask him about his travels. He's traveled to I think every continent on the planet at this point, or maybe he's missed Antarctica, but he's trying to get there. He's got a lot of great stories and we welcome you to the chamber."

# PERSONAL PRIVILEGE

Senator Hobbs: "You know I just want to take this moment, I don't know if you noticed, but I've been kind of depressed this session. Many of you may not know this, maybe you do but my ten year marriage with my session wife, we're not together

anymore, we had to go our separate ways, apparently he wanted to have a better life and a better paycheck, I don't know. But things are starting to look up, I'm happier again, I've met a new person. It's not session wife stage but it's a good relationship. You know our new senator from the 19th district, I hope it blossoms. Now there are some differences, and people have made some comments, they said this is kind of a spring autumn relationship or spring winter relationship, there are some difference, I mean he's not the snappy dresser like the previous senator, he takes the fashion sense of the 24th district. He's not as angry, so he's calm all the time and I appreciate that because he's kind of an old fashioned guy. In fact, he's so old fashioned that he smells like my grandfather, with the old aftershave to try to make up for his age. But I welcome you to the senate, I'm glad that you and I probably vote the same, I hope that you'll speak up more in caucus and maybe be angry. We need that angry person in there. As you know we had a bad cop good cop, and I can't be the bad cop, maybe you can be the bad cop I don't know. But welcome to the Senate and I'm looking forward to the gifts."

# PERSONAL PRIVILEGE

Senator Angel: "We go back a long ways, back to county government, and then we worked together on local government as chair and ranking member and I'll tell you what there's got to be something with this guy that I think we all need to watch because he ends up being friendly and approachable and he's always got a smile on his face so I think we better watch and see what he's up to. Thank you Mr. President."

## PERSONAL PRIVILEGE

Senator Darneille: "Thank you Mr. President, and thank you Senator Conway, you know with all these mentions of age I stand with some trepidation about making my remarks about welcoming Senator Takko to the Senate because it is in fact true and if you believe in the zodiac and read the predictions every day in the paper, you might think that two people born on the same day would be very in tune with one another and quite alike. In fact, Senator Takko did have the good fortune to be born on my birthday a year later, so all these messages about age and hair and everything else that's come up, just remember Senator Takko you can always say at least I'm not as old as Senator Darneille. But in the House when we worked together, we had the great good fortune of being the chair and co-chair of what was called the general government appropriations committee. Now you have to kind of look at this scenario, this is the first year of the recession, we had just gotten our jobs, we come into session and we find out the very first day that there are eighty agencies of general government and we have to make a proposal to the chair of the Ways & Means committee by the Friday of the first week on how to cut sixty-five million dollars out of those eighty agencies, and it's just sort of a first round of the many cuts we would have to make. So we took upon ourselves the task of meeting with our staff from the Ways & Means committee starting that very first night and every night during that session and we had the reputation for having had the first time when we met after midnight, the first week of the session with caucus staff. So we took our job seriously, but during the course of all those nights over all that long session, my office was in the far reaches of the legislative building and Senator Takko insisted on taking the stairs and so he often would arrive to the meetings late and I can't really demonstrate because of the condition of my knee Mr. President, but he would often enter the office where we've already been working on the issues of the day, the line item budget issues of the day, and quite like a gazelle, would enter with a big flourish, his arms thrown to each side and leaping into my office. So I expect we'll see quite a bit of this gazelle-like activity over the course of Senator Takko's service as a Senator, in the Senate. I'm glad he's here so we have another July 9th birthday to celebrate at home because we won't ever be in session again on our birthday. Thank you."

## PERSONAL PRIVILEGE

Senator Warnick: "Thank you. I can't tell this body how relieved I am that Senator Takko is here. I had a great working relationship with that sometimes angry man that came in and was the ranking on the ag. committee but when I heard he wasn't coming back and I heard that Senator Carlyle might be coming this direction too, I thought oh my gosh what am I going to do if they put Senator Carlyle on the ag. committee. How am I going to teach him what the east side of the state is all about? So when I heard that Senator Takko was coming in and he was going to be serving on my committee, it's kind of like an old home week role reversal from our House committees but very very pleased that he's here and very pleased that we're working together again. But I'm also disappointed that we don't have salmon rolls here or the salmon balls because you make those very very well too. So someday I'd like to ask for that present. So welcome to the Senate."

# PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well all I have is one short question, do you sing? Because I'll tell you, I went to Taiwan with Senator Hatfield and that guy can sing and so I just want to make sure that we have somebody that will lighten it up with a song. Thank you."

### PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President. Well it's great to be, it's terrible to hear the news about the gentleman from the 44th district, about the separation anxiety he's currently going through over here and also the bad news about the anger that was present over in the Democratic caucus room last year from the former Senator from the area. Hate to hear about that kind of stuff. And of course Senator Takko is definitely not going to be the man of anger but I do believe he's probably the most interesting man in the legislature in many ways. He can run that commercial for Dos Equis and I think it's what's going to unite and be so good at those late night sessions for the Democrat caucus will be when Senator Takko breaks out his big game hunting films in the Democrat caucus and shows the other members of the caucus how to field gut a deer and some good hunting videos of taking down large game and nothing I think will bring that caucus together more and ease the tension and get rid of the anger like those slide shows of big game hunts all around the world. So it's great to have you here, you're going to be a great senator, we're going to enjoy having you in this body, so feel free to come over and show us a slide show also sometime of those big game hunts."

## PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I just wanted to sincerely thank Senator Carlyle from the 36th district for

scheduling his gifts for the floor with me ahead of the time. It was really quite courteous of him to do that so that I could plan for today's floor action, I mean welcome to the Senate Senator Takko it's great to have you here."

#### INTRODUCTION OF GUESTS

The President welcomed and introduced fourth grade students of Utsalady Elementary School from Camano Island who were under the direction of their teacher Ms. Diana Mailloux, guests of Senator Bailey, who were seated in the gallery.

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the seventh order of business.

## **MOTION**

On motion of Senator Habib, and without objection, Senator Ranker was excused.

## THIRD READING

SENATE BILL NO. 5458, by Senators Angel, Rolfes and Hasegawa

Concerning health district banking.

The bill was on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5458.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5458 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Ranker

SENATE BILL NO. 5458, 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

SUBSTITUTE SENATE BILL NO. 5145, by Senators Dammeier, Frockt, Becker, Bailey, Rivers and Brown

Concerning the membership of the health technology clinical committee.

The measure was read the second time.

## **MOTION**

On motion of Senator Dammeier, the rules were suspended and Substitute Senate Bill No. 5145 was returned to second reading for the purpose of amendment

## **MOTION**

Senator Dammeier moved that the following striking floor amendment no. 525 by Senator Dammeier be adopted:

Strike everything after the enacting clause and insert the following:

- "Sec. 1. RCW 70.14.090 and 2006 c 307 s 2 are each amended to read as follows:
- (1) A health technology clinical committee is established, to include the following eleven members appointed by the administrator in consultation with participating state agencies:
- (a) Six practicing physicians licensed under chapter 18.57 or 18.71 RCW; and
- (b) Five other practicing licensed health professionals who use health technology in their scope of practice.
- (i) At least two members of the committee must have professional experience treating women, children, elderly persons, and people with diverse ethnic and racial backgrounds.
- (ii) At least one member of the committee must be appointed from nominations submitted by the Washington state medical association or the Washington state osteopathic medical association.
- (2) <u>In addition, any rotating clinical expert selected to advise</u> the committee on health technology must be a nonvoting member of the committee.
  - (3) Members of the committee:
- (a) Shall not contract with or be employed by a health technology manufacturer or a participating agency during their term or for eighteen months before their appointment. As a condition of appointment, each person shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest;
- (b) Are immune from civil liability for any official acts performed in good faith as members of the committee; and
- (c) Shall be compensated for participation in the work of the committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the committee.
- (((<del>3)</del>)) (<u>4</u>) Meetings of the committee and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(1), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information.
- (((44))) (5) Neither the committee nor any advisory group is an agency for purposes of chapter 34.05 RCW.
- $(((\frac{5}{2})))$  (6) The health care authority shall provide administrative support to the committee and any advisory group, and may adopt rules governing their operation."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the health technology clinical committee membership and rotating experts; and amending RCW 70.14.090."

Senators Cleveland and Dammeier spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking floor amendment no. 525 by Senator Dammeier to Senate Bill No. 5145.

The motion by Senator Dammeier carried and the striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5145.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

# THIRD READING

SENATE BILL NO. 5779, by Senators Parlette and Darneille

Reducing penalties applied to regional support networks and behavioral health organizations.

The bill was read on Third Reading.

Senators Dammeier and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5779.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Ranker

SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 6019, by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Pedersen, Frockt and O'Ban)

Addressing adjudicative proceedings by state agencies.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6019.

# **ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6019 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 6019, 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 GUESTS

The President welcomed and introduced students of Utsalady Elementary School from Camano Island who were under the direction of their teacher Ms. Pam Allen, guests of Senator Bailey, who were seated in the gallery.

# MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5864, by Senate Committee on Ways & Means (originally sponsored by Senators Nelson and Kohl-Welles)

Concerning sales and use tax for cities to offset municipal service costs to newly annexed areas.

## **MOTIONS**

On motion of Senator Nelson, Substitute Senate Bill No. 5864

was substituted for Senate Bill No. 5864 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5864.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5864 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Baumgartner, Braun, Brown and Padden Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5864, 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 11:34 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon, Thursday, January 28, 2016.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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