

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, March 5, 2019

The Senate was called to order at 9:07 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Becker.

The Sergeant at Arms Color Guard consisting of Pages Mr. Jason Kush and Miss Brianna Althoff, presented the Colors. Page Mr. James Peterson led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Doug Knutson-Keller of Gloria Dei Lutheran Church, Olympia.

The President called upon the Secretary to read the journal of the preceding day.

MOTIONS

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

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 2019

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5273.

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 4, 2019

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1039,

SECOND SUBSTITUTE HOUSE BILL NO. 1065,

HOUSE BILL NO. 1089,

SUBSTITUTE HOUSE BILL NO. 1091,

HOUSE BILL NO. 1147,

SUBSTITUTE HOUSE BILL NO. 1198,

SUBSTITUTE HOUSE BILL NO. 1199,

SUBSTITUTE HOUSE BILL NO. 1210,

SUBSTITUTE HOUSE BILL NO. 1264,

HOUSE BILL NO. 1279,

SUBSTITUTE HOUSE BILL NO. 1350,

SUBSTITUTE HOUSE BILL NO. 1403,

HOUSE BILL NO. 1408,

HOUSE BILL NO. 1429,

SECOND SUBSTITUTE HOUSE BILL NO. 1448,
HOUSE BILL NO. 1516,
HOUSE BILL NO. 1554,
HOUSE BILL NO. 1561,
SUBSTITUTE HOUSE BILL NO. 1577,
SUBSTITUTE HOUSE BILL NO. 1587,
SUBSTITUTE HOUSE BILL NO. 1595,
HOUSE BILL NO. 1604,
SUBSTITUTE HOUSE BILL NO. 1644,
HOUSE BILL NO. 1688,
HOUSE BILL NO. 1702,
HOUSE BILL NO. 1714,
SUBSTITUTE HOUSE BILL NO. 1724,
HOUSE BILL NO. 1726,
SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1742,
HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 1764,
HOUSE BILL NO. 1803,
SUBSTITUTE HOUSE BILL NO. 1826,
SUBSTITUTE HOUSE BILL NO. 1847,
HOUSE BILL NO. 1852,
SUBSTITUTE HOUSE BILL NO. 1869,
HOUSE BILL NO. 1906,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2044,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 4, 2019

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5980 by Senator Carlyle

AN ACT Relating to greenhouse gas emissions.

Referred to Committee on Environment, Energy & Technology.

SHB 1009 by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Kirby and Jinkins)

AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.186, 43.09.230, and 43.09.420; repealing RCW 43.09.265, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, and 43.88.162; and repealing 2012 c 164 s 709, 2012 c 1 s 201, and 2005 c 385 s 1 (uncodified).

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

SHB 1034 by House Committee on Commerce & Gaming (originally sponsored by Ryu, Pellicciotti, Goodman, Kirby, Vick, Reeves and Bergquist)
AN ACT Relating to establishing a soju endorsement to beer and/or wine restaurant licenses and spirits, beer, and wine restaurant licenses; and amending RCW 66.04.010 and 66.24.400.

Referred to Committee on Labor & Commerce.

SHB 1041 by House Committee on Public Safety (originally sponsored by Hansen, Irwin, Ryu, Jinkins, Wylie, Santos and Caldier)
AN ACT Relating to promoting successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records; amending RCW 9.94A.640 and 9.94A.030; reenacting and amending RCW 9.94A.637 and 9.96.060; and creating a new section.

Referred to Committee on Law & Justice.

EHB 1058 by Representatives Irwin, Blake, Van Werven, Bergquist, Walsh, MacEwen, Shea, Jinkins, Wylie, Goodman and Barkis
AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

SHB 1071 by House Committee on Innovation, Technology & Economic Development (originally sponsored by Kloba, Dolan, Tarleton, Slatter, Valdez, Ryu, Appleton, Smith, Stanford and Frame)
AN ACT Relating to breach of security systems protecting personal information; amending RCW 19.255.010 and 42.56.590; adding new sections to chapter 19.255 RCW; adding new sections to chapter 42.56 RCW; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

E2SHB 1112 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Kloba, Peterson, Tharinger, Jinkins, Macri, Goodman, Bergquist, Doglio, Robinson, Pollet, Stanford and Frame)
AN ACT Relating to reducing greenhouse gas emissions from hydrofluorocarbons; amending RCW 70.235.010, 70.94.430, 70.94.431, and 70.94.015; adding a new section to chapter 70.235 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 39.26 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

HB 1137 by Representatives Leavitt, Klippert, Kilduff, Boehnke, Gildon, Callan, Reeves, Dolan, Barkis, Appleton, Goodman, Young, Riccelli, Bergquist and Stanford

AN ACT Relating to national guard pay in state active service for wildland fire response duty; and amending RCW 38.24.050.

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

HB 1146 by Representatives MacEwen and Young
AN ACT Relating to extending the program establishing Christmas tree grower licensure; and amending 2013 c 72 s 1 (uncodified).

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1170 by House Committee on Housing, Community Development & Veterans (originally sponsored by Griffey and Goodman)
AN ACT Relating to modifying the expiration date of certain state fire service mobilization laws; repealing 2015 c 181 s 5 (uncodified); providing an effective date; and declaring an emergency.

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

SHB 1189 by House Committee on Transportation (originally sponsored by Fitzgibbon, Young, Cody, Caldier and Ortiz-Self)
AN ACT Relating to ferry system performance measures; and adding a new section to chapter 47.64 RCW.

Referred to Committee on Transportation.

HB 1212 by Representatives Shea and McCaslin
AN ACT Relating to prohibiting the names of county auditors and the secretary of state in their official capacity on election materials; and amending RCW 29A.32.070, 29A.32.241, and 29A.40.091.

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

HB 1247 by Representatives Reeves and Hoff
AN ACT Relating to the Washington state credit union act; and amending RCW 31.12.185, 31.12.195, 31.12.335, 31.12.382, 31.12.404, and 31.12.436.

Referred to Committee on Financial Institutions, Economic Development & Trade.

HB 1255 by Representatives Lovick, Orwall, Sells, Stanford, Dufault and Irwin
AN ACT Relating to creating Patches pal special license plates; amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1335 by Representatives Slatter, Schmick, Kloba and Springer

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AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330 RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; and repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903.

Referred to Committee on Financial Institutions, Economic Development & Trade.

HB 1341 by Representatives Hudgins, Morris, Tarleton, Doglio and Kloba

AN ACT Relating to the use of unmanned aerial systems near certain protected marine species; and amending RCW 77.15.740.

Referred to Committee on Environment, Energy & Technology.

HB 1349 by Representatives Schmick, Cody, Jinkins, Doglio and Leavitt

AN ACT Relating to clarifying the definition of a geriatric behavioral health worker for individuals with a bachelor's or master's degree in social work, behavioral health, or other related areas; and amending RCW 74.42.010 and 74.42.360.

Referred to Committee on Health & Long Term Care.

SHB 1356 by House Committee on Civil Rights & Judiciary (originally sponsored by Lovick, Maycumber, Tarleton, Pettigrew, Doglio, Stonier, Morgan, Orwall, Gregerson, Kilduff, Mead, Kloba, Valdez, Ortiz-Self, Thai, Lekanoff, Cody, Stanford, Chapman, Walen, Sells, Kirby, Appleton, Blake, Ryu, Reeves, Bergquist, Jinkins, Goodman, Pollet, Leavitt and Ormsby)

AN ACT Relating to privileged communication with peer support group counselors; and amending RCW 5.60.060.

Referred to Committee on Law & Justice.

HB 1366 by Representatives Sullivan, Jenkin, Ryu, Entenman, Doglio, Pollet and Santos

AN ACT Relating to removing disincentives to the creation of community facilities districts; amending RCW 36.145.110 and 36.145.080; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 1380 by Representatives Pellicciotti, Goodman, Pettigrew, Chapman, Ormsby, Reeves and Macri

AN ACT Relating to providing an aggravating circumstance for assault against a utility worker; and amending RCW 9.94A.535.

Referred to Committee on Law & Justice.

HB 1385 by Representatives Springer, Kretz, Blake, Chandler, Gregerson and Walsh

AN ACT Relating to exempting United States food and drug administration nonpublic information from disclosure under

the state public disclosure act; reenacting and amending RCW 42.56.380; adding a new section to chapter 15.130 RCW; and creating a new section.

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

SHB 1399 by House Committee on Labor & Workplace Standards (originally sponsored by Robinson, Doglio, Sells, Hudgins, Ormsby, Springer, Gregerson, Frame, Appleton, Bergquist, Riccelli, Tharinger, Stanford, Slatter, Goodman, Reeves, Macri and Ortiz-Self)

AN ACT Relating to paid family and medical leave; amending RCW 50A.04.010, 50A.04.015, 50A.04.020, 50A.04.025, 50A.04.030, 50A.04.035, 50A.04.040, 50A.04.045, 50A.04.055, 50A.04.060, 50A.04.065, 50A.04.070, 50A.04.075, 50A.04.080, 50A.04.085, 50A.04.090, 50A.04.095, 50A.04.100, 50A.04.105, 50A.04.110, 50A.04.115, 50A.04.120, 50A.04.125, 50A.04.145, 50A.04.160, 50A.04.165, 50A.04.170, 50A.04.175, 50A.04.185, 50A.04.195, 50A.04.200, 50A.04.205, 50A.04.215, 50A.04.215, 50A.04.220, 50A.04.225, 50A.04.230, 50A.04.235, 50A.04.240, 50A.04.245, 50A.04.250, 50A.04.255, 50A.04.260, 50A.04.265, 50A.04.505, 50A.04.510, 50A.04.520, 50A.04.525, 50A.04.540, 50A.04.550, 50A.04.555, 50A.04.560, 50A.04.565, 50A.04.580, 50A.04.590, 50A.04.595, 50A.04.600, 50A.04.610, 50A.04.615, 50A.04.625, 50A.04.645, 50A.04.650, 50A.04.655, 50A.04.660, 50A.04.900, 50.29.021, 43.20A.080, and 42.56.410; reenacting and amending RCW 26.23.060; adding new chapters to Title 50A RCW; recodifying RCW 50A.04.005, 50A.04.010, 50A.04.195, 50A.04.200, 50A.04.205, 50A.04.210, 50A.04.215, 50A.04.220, 50A.04.225, 50A.04.235, 50A.04.255, 50A.04.265, 50A.04.900, 50A.04.105, 50A.04.110, 50A.04.115, 50A.04.120, 50A.04.125, 50A.04.015, 50A.04.020, 50A.04.030, 50A.04.035, 50A.04.040, 50A.04.045, 50A.04.050, 50A.04.055, 50A.04.060, 50A.04.065, 50A.04.240, 50A.04.250, 50A.04.230, 50A.04.600, 50A.04.605, 50A.04.610, 50A.04.615, 50A.04.620, 50A.04.625, 50A.04.630, 50A.04.635, 50A.04.640, 50A.04.645, 50A.04.650, 50A.04.655, 50A.04.660, 50A.04.665, 50A.04.025, 50A.04.245, 50A.04.260, 50A.04.085, 50A.04.095, 50A.04.100, 50A.04.090, 50A.04.130, 50A.04.135, 50A.04.140, 50A.04.145, 50A.04.150, 50A.04.155, 50A.04.160, 50A.04.165, 50A.04.170, 50A.04.175, 50A.04.180, 50A.04.185, 50A.04.190, 50A.04.500, 50A.04.505, 50A.04.510, 50A.04.515, 50A.04.520, 50A.04.525, 50A.04.530, 50A.04.535, 50A.04.540, 50A.04.545, 50A.04.550, 50A.04.555, 50A.04.560, 50A.04.565, 50A.04.570, 50A.04.575, 50A.04.580, 50A.04.585, 50A.04.590, 50A.04.595, 50A.04.070, 50A.04.075, and 50A.04.080; and prescribing penalties.

Referred to Committee on Labor & Commerce.

HB 1412 by Representatives Thai, DeBolt, Slatter, Cody, Jinkins and Riccelli

AN ACT Relating to nonresident pharmacies; and amending RCW 18.64.360.

Referred to Committee on Health & Long Term Care.

SHB 1485 by House Committee on State Government & Tribal Relations (originally sponsored by Lekanoff, Pettigrew, Shewmake, Gregerson, Entenman, Pellicciotti, Doglio, Appleton, Frame, Ormsby, Hudgins, Jinkins and Leavitt)

AN ACT Relating to the appointment of religious coordinators; and amending RCW 41.04.360, 72.01.210, 72.01.212, 72.01.220, 72.01.230, and 72.01.240.

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

SHB 1520 by House Committee on State Government & Tribal Relations (originally sponsored by Morgan, Hudgins, Rude, Mead, Stonier, Frame, Riccelli, Appleton, Pellicciotti, Kilduff, Doglio and Reeves)

AN ACT Relating to calendar election dates on ballot envelopes; and amending RCW 29A.40.091.

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

SHB 1529 by House Committee on Health Care & Wellness (originally sponsored by Davis, Corry, Frame, Kloba, Doglio and Ormsby)

AN ACT Relating to removing barriers for agency affiliated counselors practicing as peer counselors; and amending RCW 18.130.175 and 43.43.842.

Referred to Committee on Health & Long Term Care.

SHB 1531 by House Committee on Civil Rights & Judiciary (originally sponsored by Jinkins, Walen, Orwall, Cody, Robinson, Riccelli, Valdez, Ormsby and Macri)

AN ACT Relating to medical debt; amending RCW 6.01.060, 6.32.010, 19.16.100, 19.16.250, 19.52.010, and 19.52.020; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Law & Justice.

HB 1534 by Representatives Dufault, Cody, Chandler, Mosbrucker, Chapman, Corry, Leavitt and Steele

AN ACT Relating to psychiatric payments under medical assistance programs for certain rural hospitals that are not designated as critical access hospitals, do not participate in the certified public expenditure program, have less than fifty acute care beds, and have combined medicare and medicaid inpatient days greater than fifty percent of total days; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

EHB 1563 by Representatives Jenkin, Blake, Vick, Dent, Young, Kloba, MacEwen and Wylie

AN ACT Relating to liquor-related privileges of students who are enrolled in certain degree programs; and amending RCW 66.20.010 and 66.44.318.

Referred to Committee on Labor & Commerce.

HB 1568 by Representatives Chapman, Dent, Blake and Walsh
AN ACT Relating to port district worker development and occupational training programs; and amending RCW 53.08.245.

Referred to Committee on Higher Education & Workforce Development.

SHB 1602 by House Committee on Civil Rights & Judiciary (originally sponsored by Reeves, Walen, Jinkins, Appleton, Ryu, Morgan, Orwall, Ortiz-Self, Hudgins and Ormsby)

AN ACT Relating to consumer debt; and amending RCW 4.56.110, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150.

Referred to Committee on Law & Justice.

SHB 1633 by House Committee on Transportation (originally sponsored by Goehner, Entenman, Orcutt, Barkis, Boehnke, Steele, Chapman, Mead, Eslick and Van Werven)

AN ACT Relating to making permanent the posting of fuel tax rate information at fuel pumps; adding a new section to chapter 82.38 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1657 by Representatives Callan, Eslick, Kilduff, Leavitt, Senn, Dolan, Lovick, Frame, Dent, Corry, Appleton, Ryu, Robinson, Jinkins, Goodman, Doglio, Fey, Macri, Ormsby and Davis

AN ACT Relating to services provided by the office of homeless youth prevention and protection programs; and amending RCW 13.32A.160, 43.185C.010, 43.185C.315, 43.330.700, 43.330.705, and 43.330.710.

Referred to Committee on Housing Stability & Affordability.

HB 1672 by Representatives Steele, Kirby, Rude, Jenkin, Eslick and Doglio

AN ACT Relating to recorking wine at wineries and tasting rooms; and amending RCW 66.24.170.

Referred to Committee on Labor & Commerce.

HB 1730 by Representatives Walen, Frame, Jinkins, Macri and Ormsby

AN ACT Relating to the effect of payment or acknowledgment made after the expiration of a limitations period; and amending RCW 4.16.270 and 4.16.280.

Referred to Committee on Law & Justice.

HB 1743 by Representatives Ormsby, Sells, Appleton, Fey, Tharinger and Kloba

AN ACT Relating to the methodology for establishing the prevailing rate of wages for the construction of affordable housing, homeless and domestic violence shelters, and low-income weatherization and home rehabilitation public

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works; reenacting and amending RCW 39.12.015; adding a new section to chapter 39.12 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SHB 1870 by House Committee on Health Care & Wellness (originally sponsored by Davis, Cody, Ryu, Jinkins, Dolan, Senn, Bergquist, Peterson, Thai, Valdez, Morgan, Robinson, Goodman, Kilduff, Fey, Pollet, Appleton, Orwall, Mead, Kirby, Kloba, Gregerson, Fitzgibbon, Stanford and Tharinger)

AN ACT Relating to making state law consistent with selected federal consumer protections in the patient protection and affordable care act; amending RCW 48.43.005, 48.43.012, 48.21.270, 48.44.380, 48.46.460, 48.43.715, and 48.43.0122; adding new sections to chapter 48.43 RCW; adding a new section to chapter 43.71 RCW; repealing RCW 48.43.015, 48.43.017, 48.43.018, and 48.43.025; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

HB 1913 by Representatives Doglio, Sells, Bergquist, Griffey, Peterson, Reeves, Lovick, Stonier, Orwall, Irwin, Appleton, Dolan, Leavitt, Ortiz-Self, Shewmake, Stanford, Valdez, Goodman, Pollet, Macri, Santos, Lekanoff, Ormsby, Tharinger, Young and Davis

AN ACT Relating to the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption, extending the presumption to certain publicly employed firefighters and investigators and law enforcement, addressing the qualifying medical examination, and creating an advisory committee; and amending RCW 51.32.185.

Referred to Committee on Labor & Commerce.

ESHB 1916 by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff, Leavitt, Ortiz-Self and Ormsby)

AN ACT Relating to improving the delivery of child support services to families by increasing flexibility and efficiency; and amending RCW 26.19.025, 26.09.170, and 74.20A.059.

Referred to Committee on Law & Justice.

SHB 1919 by House Committee on Public Safety (originally sponsored by Mosbrucker, Appleton, Smith, Ybarra, Dye, Ormsby and Stanford)

AN ACT Relating to preventing and responding to animal abuse; amending RCW 16.52.117, 16.52.207, and 16.52.011; and prescribing penalties.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Greg Dietzel, Senate Gubernatorial Appointment No. 9103, be confirmed as a member of the Bellevue College Board of Trustees.

Senator Kuderer spoke in favor of the motion.

APPOINTMENT OF GREG DIETZEL

The President Pro Tempore declared the question before the Senate to be the confirmation of Greg Dietzel, Senate Gubernatorial Appointment No. 9103, as a member of the Bellevue College Board of Trustees.

MOTION

On motion of Senator Rivers, Senator Becker was excused.

MOTION

On motion of Senator Liias, Senator Conway was excused.

The Secretary called the roll on the confirmation of Greg Dietzel, Senate Gubernatorial Appointment No. 9103, as a member of the Bellevue College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Conway

Greg Dietzel, Senate Gubernatorial Appointment No. 9103, having received the constitutional majority was declared confirmed as a member of the Bellevue College Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 5278, by Senators Mullet and Wilson, L.

Concerning reporting suspected fraud and theft of payment cards.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet and Wilson, L. 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. 5278.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Conway

SUBSTITUTE SENATE BILL NO. 5278, 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. 5474, by Senator Keiser

Concerning industrial insurance and self-insurers. Revised for 1st Substitute: Permitting self-insurers to send duplicates of certain orders made by the department of labor and industries.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5474 was substituted for Senate Bill No. 5474 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. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña 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. 5474.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle,

Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Becker and Conway

SUBSTITUTE SENATE BILL NO. 5474, 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. 5782, by Senators Zeiger, Fortunato, Takko, Padden, Palumbo and Wilson, L.

Concerning spring blade knives.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, 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. 5782.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Frockt

Excused: Senators Becker and Conway

SENATE BILL NO. 5782, 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. 5831, by Senators Keiser, Van De Wege, Salomon and Saldaña

Concerning an employer's payment of indebtedness.

The measure was read the second time.

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MOTION

On motion of Senator Saldaña, the rules were suspended, Senate Bill No. 5831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña 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. 5831.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5831 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Conway

SENATE BILL NO. 5831, 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. 5501, by Senators Zeiger and Hunt

Repealing the electronic authentication act.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator 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 Senate Bill No. 5501.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Conway

SENATE BILL NO. 5501, 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. 5735, by Senators Darneille, Nguyen, Hasegawa and Wilson, C.

Concerning the appropriate age for juvenile court adjudication.

MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 5735 was substituted for Senate Bill No. 5735 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators O'Ban and Padden 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. 5735.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Bailey, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker and Conway

SUBSTITUTE SENATE BILL NO. 5735, 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.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5273,
and SENATE CONCURRENT RESOLUTION NO. 8404.

SECOND READING

SENATE BILL NO. 5593, by Senators Lias, Wilson, C., Das, Kuderer, Nguyen and Saldaña

Addressing equity in access to dual credit opportunities.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5593 was substituted for Senate Bill No. 5593 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. 5593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Hawkins 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. 5593.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5593 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Ericksen, Honeyford, Padden and Short

Excused: Senators Becker and Conway

SUBSTITUTE SENATE BILL NO. 5593, 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. 8008, by Senators Bailey, O'Ban and Kuderer

Urging federal legislation to prohibit the sale of tobacco and vapor products to anyone under the age of twenty-one.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

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

Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the memorial passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Ericksen, Fortunato, Hasegawa, Holy, Honeyford, Padden, Sheldon, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Becker and Conway

SENATE JOINT MEMORIAL NO. 8008, 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. 5163, by Senators Hasegawa, Pedersen, Kuderer, Darneille, McCoy, Saldaña, Dhingra, Frockt, Wilson, C., Liias, Palumbo and Nguyen

Concerning actions for wrongful injury or death.

MOTION

On motion of Senator Hasegawa, Substitute Senate Bill No. 5163 was substituted for Senate Bill No. 5163 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 5163 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5946, by Senators Nguyen, Saldaña, Hasegawa, Das and Lovelett

Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.

MOTION

On motion of Senator Nguyen, Substitute Senate Bill No. 5946 was substituted for Senate Bill No. 5946 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nguyen moved that the following amendment no. 091 by Senator Nguyen be adopted:

On page 1, line 14, after "years;" strike "and"

On page 1, line 16, after "structure" insert " and

(e) The local jurisdiction has declared a state of emergency on homelessness"

Senator Nguyen spoke in favor of adoption of the amendment.

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The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 091 by Senator Nguyen on page 1, line 14 to Substitute Senate Bill No. 5946.

The motion by Senator Nguyen carried and amendment no. 091 was adopted by voice vote.

MOTION

Senator Zeiger moved that the following amendment no. 110 by Senator Zeiger be adopted:

On page 1, line 14, after “years;” strike “and”

On page 1, line 16, after “structure” insert “; and

(e) The facility does not allow the use of drugs or alcohol on its premises, except for medicines a sheltered individual has been prescribed by a licensed prescriber.”

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 110 by Senator Zeiger on page 1, line 14 to Substitute Senate Bill No. 5946.

The motion by Senator Zeiger carried and amendment no. 110 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 144 by Senator Ericksen be adopted:

On page 1, line 14, after “years;” strike “and”

On page 1, line 16, after “structure” insert “; and

(e) The facility must be located in a county with a population of at least two million people”

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Nguyen spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 144 by Senator Ericksen on page 1, line 14 to Substitute Senate Bill No. 5946.

The motion by Senator Ericksen failed and amendment no. 144 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 145 by Senator Ericksen be adopted:

On page 1, line 14, after “years;” strike “and”

On page 1, line 16, after “structure” insert “; and

(e) The facility is not located in a neighborhood where a significant number of households have an adjusted income of less than eighty percent of the median family income adjusted for household size, for the city or county where the facility is located”

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Nguyen spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 145 by Senator Ericksen on page 1, line 14 to Substitute Senate Bill No. 5946.

The motion by Senator Ericksen failed and amendment no. 145 was not adopted by voice vote.

MOTION

Senator King moved that the following amendment no. 146 by Senator King be adopted:

On page 1, line 14, after “years;” strike “and”

On page 1, line 16, after “structure” insert “; and

(e) The facility may not be located within one thousand feet of a public or private school or an early learning facility, unless the public or private school, early learning facility, or controlling affiliate organization of the public or private school or early learning facility has approved the siting”

On page 1, line 19, after “(a)” insert ““School” means:

(i) A public school under RCW 28A.150.010;

(ii) A private school approved by the state under chapter 28A.195 RCW; and

(iii) A charter school under RCW 28A.710.010.

(b) “Early learning facility” means:

(i) A child day care center under RCW 43.216.010(1)(a);

(ii) An early childhood education and assistance program provider under RCW 43.216.010(8);

(iii) A family day care provider under RCW 43.216.010(1)(c);

(iv) A head start program under 42 U.S.C. 9801 et seq.; and

(v) A nursery school under RCW 43.216.010(2)(e).

(c)”

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 146 by Senator King on page 1, line 14 to Substitute Senate Bill No. 5946.

The motion by Senator King carried and amendment no. 146 was adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute Senate Bill No. 5946 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, Zeiger, King, Sheldon and Braun spoke in favor of passage of the bill.

Senators Ericksen and Rolfes 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. 5946.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5946 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, O’Ban, Pedersen, Randall, Rivers, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Carlyle, Ericksen, Hawkins, Honeyford, McCoy, Padden, Palumbo, Rolfes, Salomon, Short and Wilson, L.

Excused: Senators Becker and Conway

ROLL CALL

ENGROSSED SUBSTITUTE SENATE BILL NO. 5946, 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 Pro Tempore welcomed and introduced students and representatives of Simpson Elementary School of Montesano who were seated in the gallery.

The Senate resumed consideration of Substitute Senate Bill No. 5163 which had been deferred previously in the day.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5163, by Senate Committee on Law & Justice (originally sponsored by Hasegawa, Pedersen, Kuderer, Darneille, McCoy, Saldaña, Dhingra, Frockt, Wilson, C., Lias, Palumbo and Nguyen)

Concerning actions for wrongful injury or death.

The measure was read the second time.

MOTION

Senator Braun moved that the following amendment no. 151 by Senator Braun be adopted:

On page 2, line 9, after “deceased” insert “However, a defendant’s liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the parent or sibling is not dependent upon the deceased person for support”

On page 2, line 30, after “(3)” insert “A defendant’s liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the decedent’s parent or sibling is not dependent upon the decedent for support.

(4)”

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

On page 3, after line 36, insert the following:

“(4) A defendant’s liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the decedent’s parent or sibling is not dependent upon the decedent for support.”

On page 4, line 22, after “(3)” insert “A defendant’s liability is several only and not joint under RCW 4.22.070(1) (a) or (b) if the decedent’s parent or legal guardian is not dependent upon the decedent for support.

(4)”

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

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

Senator Pedersen spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 2, line 9, to Substitute Senate Bill No. 5163.

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O’Ban, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Nguyen, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Becker and Conway.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, amendment no. 152 by Senator Padden on page 5, line 10 to Substitute Senate Bill No. 5163 was withdrawn.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Lias, further consideration of Substitute Senate Bill No. 5163 was again deferred and the bill again held its place on the third reading calendar.

MOTION

At 10:43 a.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

 AFTERNOON SESSION

The Senate was called to order at 1:11 p.m. by President Pro Tempore Keiser.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Denise Jones, Senate Gubernatorial Appointment No. 9115, be confirmed as a member of the Lake Washington Institute of Technology Board of Trustees.

Senator Kuderer spoke in favor of the motion.

MOTION

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On motion of Senator Rivers, Senators Becker, Ericksen and Sheldon were excused.

Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.
Excused: Senators Becker and Ericksen

APPOINTMENT OF DENISE JONES

The President Pro Tempore declared the question before the Senate to be the confirmation of Denise Jones, Senate Gubernatorial Appointment No. 9115, as a member of the Lake Washington Institute of Technology Board of Trustees.

SUBSTITUTE SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

The Secretary called the roll on the confirmation of Denise Jones, Senate Gubernatorial Appointment No. 9115, as a member of the Lake Washington Institute of Technology Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

SECOND READING

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 5492, by Senators Billig, Padden, Pedersen, Holy and Dhingra

Sentencing of motor vehicle-related felonies.

The measure was read the second time.

MOTION

Denise Jones, Senate Gubernatorial Appointment No. 9115, having received the constitutional majority was declared confirmed as a member of the Lake Washington Institute of Technology Board of Trustees.

On motion of Senator Liias, further consideration of Senate Bill No. 5492 was deferred and the bill held its place on the second reading calendar.

The Senate again resumed consideration of Substitute Senate Bill No. 5163 which had been deferred earlier in the day.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced her son, Mr. Mark Keiser, who was seated in the gallery on the anniversary of his birth. The senate recognized Mr. Keiser, performing a rendition of "*Happy Birthday*."

THIRD READING

SUBSTITUTE SENATE BILL NO. 5163, by Senate Committee on Law & Justice (originally sponsored by Hasegawa, Pedersen, Kuderer, Darneille, McCoy, Saldaña, Dhingra, Frockt, Wilson, C., Liias, Palumbo and Nguyen)

MOTION

Concerning actions for wrongful injury or death.

At 1:32 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The bill was read on Third Reading.

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

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

Senator Short announced a meeting of the Republican Caucus immediately upon going at ease.

Senators Braun and Wagoner 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. 5163.

The Senate was called to order at 4:35 p.m. by President Pro Tempore Keiser.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

There being no objection, the Senate reverted to the fourth order of business.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

MESSAGE FROM THE HOUSE

March 5, 2019

Voting nay: Senators Bailey, Braun, Brown, Fortunato,

MR. PRESIDENT:
The Speaker has signed:

ENGROSSED SENATE BILL NO. 5273,

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

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5492, by Senators Billig, Padden, Pedersen, Holy and Dhingra

Sentencing of motor vehicle-related felonies.

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig, Padden, Pedersen and Braun 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. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5492, 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. 5478, by Senators Liias, Keiser, Conway, Hunt, Pedersen, Kuderer and McCoy

Concerning restraints on persons engaging in lawful professions, trades, or businesses.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5478 was substituted for Senate Bill No. 5478 and the substitute bill

was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following striking amendment no. 153 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that workforce mobility is important to economic growth and development. Further, the legislature finds that agreements limiting competition or hiring may be contracts of adhesion that may be unreasonable.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Earnings" means the compensation reflected on box one of the employee's United States internal revenue service form W-2 that is paid to an employee over the prior year, or portion thereof for which the employee was employed, annualized and calculated as of the earlier of the date enforcement of the noncompetition covenant is sought or the date of separation from employment. "Earnings" also means payments reported on internal revenue service form 1099-MISC for independent contractors.

(2) "Employee" and "employer" have the same meanings as in RCW 49.17.020.

(3) "Franchisor" and "franchisee" have the same meanings as in RCW 19.100.010.

(4) "Noncompetition covenant" includes every written or oral covenant, agreement, or contract by which an employee or independent contractor is prohibited or restrained from engaging in a lawful profession, trade, or business of any kind. A "noncompetition covenant" does not include: (a) A nonsolicitation agreement; (b) a confidentiality agreement; (c) a covenant prohibiting use or disclosure of trade secrets or inventions; (d) a covenant entered into by a person purchasing or selling the goodwill of a business or otherwise acquiring or disposing of an ownership interest; or (e) a covenant entered into by a franchisee when the franchise sale complies with RCW 19.100.020(1).

(5) "Nonsolicitation agreement" means an agreement between an employer and employee that prohibits solicitation by an employee, upon termination of employment: (a) Of any employee of the employer to leave the employer; or (b) of any customer of the employer to cease or reduce the extent to which it is doing business with the employer.

(6) "Party seeking enforcement" means the named plaintiff or claimant in a proceeding to enforce a noncompetition covenant or the defendant in an action for declaratory relief.

NEW SECTION. Sec. 3. (1) A noncompetition covenant is void and unenforceable against an employee:

(a)(i) Unless the employer discloses the terms of the covenant in writing to the prospective employee no later than the time of the acceptance of the offer of employment and, if the agreement becomes enforceable only at a later date due to changes in the employee's compensation, the employer specifically discloses that the agreement may be enforceable against the employee in the future; or

(ii) If the covenant is entered into after the commencement of employment, unless the employer provides independent consideration for the covenant;

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(b) Unless the employee's earnings from the party seeking enforcement, when annualized, exceed one hundred thousand dollars per year. This dollar amount must be adjusted annually in accordance with section 5 of this act;

(c) If the employee is terminated as the result of a layoff, unless enforcement of the noncompetition covenant includes compensation equivalent to the employee's base salary at the time of termination for the period of enforcement minus compensation earned through subsequent employment during the period of enforcement.

(2) A court or arbitrator must presume that any noncompetition covenant with a duration exceeding eighteen months after termination of employment is unreasonable and unenforceable. A party seeking enforcement may rebut the presumption by proving by clear and convincing evidence that a duration longer than eighteen months is necessary to protect the party's business or goodwill.

NEW SECTION. Sec. 4. (1) A noncompetition covenant is void and unenforceable against an independent contractor unless the independent contractor's earnings from the party seeking enforcement exceed two hundred fifty thousand dollars per year. This dollar amount must be adjusted annually in accordance with section 5 of this act.

(2) The duration of a noncompetition covenant between a performer and a performance space, or a third party scheduling the performer for a performance space, must not exceed three calendar days.

NEW SECTION. Sec. 5. The dollar amounts specified in sections 3 and 4 of this act must be adjusted annually for inflation. Annually on September 30th the department of labor and industries will adjust the dollar amounts specified in this section by calculating to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States department of labor. The adjusted dollar amount calculated under this section takes effect on the following January 1st.

NEW SECTION. Sec. 6. A provision in a noncompetition covenant signed by an employee or independent contractor who is Washington-based is void and unenforceable:

(1) If the covenant requires the employee or independent contractor to adjudicate a noncompetition covenant outside of this state; and

(2) To the extent it deprives the employee or independent contractor of the protections or benefits of this chapter.

NEW SECTION. Sec. 7. (1) No franchisor may restrict, restrain, or prohibit in any way a franchisee from soliciting or hiring any employee of a franchisee of the same franchisor.

(2) No franchisor may restrict, restrain, or prohibit in any way a franchisee from soliciting or hiring any employee of the franchisor.

NEW SECTION. Sec. 8. An employer may not restrict, restrain, or prohibit an employee earning less than twice the applicable state minimum hourly wage from having an additional job, supplementing their income by working for another employer, working as an independent contractor, or being self-employed: Provided, that this section shall not apply to any such additional services when the specific services to be offered by the employee raise issues of safety for the employee, coworkers, or

the public, or interfere with the reasonable and normal scheduling expectations of the employer. This section does not alter the obligations of an employee to an employer under existing law, including the common law duty of loyalty and laws preventing conflicts of interest and any corresponding policies addressing such obligations.

NEW SECTION. Sec. 9. (1) Upon a violation of this chapter, the attorney general, on behalf of a person or persons, may pursue any and all relief. A person aggrieved by a noncompetition covenant to which the person is a party may bring a cause of action to pursue any and all relief provided for in subsections (2) and (3) of this section.

(2) If a court or arbitrator determines that a noncompetition covenant violates this chapter, the violator must pay the aggrieved person the greater of his or her actual damages or a statutory penalty of five thousand dollars, plus reasonable attorneys' fees, expenses, and costs incurred in the proceeding.

(3) If a court or arbitrator reforms, rewrites, modifies, or only partially enforces any noncompetition covenant, the party seeking enforcement must pay the aggrieved person the greater of his or her actual damages or a statutory penalty of five thousand dollars, plus reasonable attorneys' fees, expenses, and costs incurred in the proceeding.

(4) A cause of action may not be brought regarding a noncompetition covenant signed prior to the effective date of this section if the noncompetition covenant is not being enforced.

NEW SECTION. Sec. 10. (1)(a) Subject to (b) of this subsection, this chapter displaces conflicting tort, restitutionary, contract, and other laws of this state pertaining to liability for competition by employees or independent contractors with their employers or principals, as appropriate.

(b) This chapter does not amend or modify chapter 19.108 RCW.

(2) Except as otherwise provided in this chapter, this chapter does not revoke, modify, or impede the development of the common law.

NEW SECTION. Sec. 11. This chapter applies to all proceedings commenced on or after the effective date of this section, regardless of when the cause of action arose. To this extent, this chapter applies retroactively, but in all other respects it applies prospectively.

NEW SECTION. Sec. 12. This chapter is an exercise of the state's police power and shall be construed liberally for the accomplishment of its purposes.

NEW SECTION. Sec. 13. This act takes effect January 1, 2020.

NEW SECTION. Sec. 14. 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.

NEW SECTION. Sec. 15. Sections 1 through 13 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 3 of the title, after "businesses;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; and providing an effective date."

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

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 153 by Senator Liias to Substitute Senate Bill No. 5478.

The motion by Senator Liias carried and striking amendment no. 153 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Braun 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. 5478.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Becker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, 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. 5233, by Senators Keiser and Conway

Creating an alternative process for sick leave benefits for workers represented by collective bargaining agreements.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, King and Braun 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. 5233.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SENATE BILL NO. 5233, 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. 5525, by Senator Short

Concerning whitetail deer population estimates.

MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5525 was substituted for Senate Bill No. 5525 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Kuderer was excused.

Senator Liias 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. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5525, 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.

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Vice President Pro Tempore Conway assumed the chair.

SECOND READING

SENATE BILL NO. 5919, by Senators Lovelett, Nguyen, Dhingra, Hawkins, Randall, Frockt, Das, Hunt and Palumbo

Creating a San Juan Islands stewardship special license plate.

MOTIONS

On motion of Senator Lovelett, Substitute Senate Bill No. 5919 was substituted for Senate Bill No. 5919 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Substitute Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett 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. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5919, 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. 5930, by Senators Randall, Lovelett, Liias, Nguyen, Wilson, C., Palumbo, Sheldon, Mullet and Hunt

Creating Seattle Storm special license plates to fund youth leadership and sports programs.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5930 was advanced to third reading, the second reading considered the third and the bill was placed on final

passage.

Senator Randall 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. 5930.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5930 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

Excused: Senator Becker

SENATE BILL NO. 5930, 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. 5352, by Senators Walsh, Warnick, McCoy, Kuderer, Van De Wege and Hasegawa

Concerning the Walla Walla watershed management pilot program.

MOTIONS

On motion of Senator Walsh, Second Substitute Senate Bill No. 5352 was substituted for Senate Bill No. 5352 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Second Substitute Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Walsh 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 Second Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C.,

Wilson, L. and Zeiger
Excused: Senator Becker

SECOND SUBSTITUTE SENATE BILL NO. 5352, 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. 5337, by Senators Takko and Holy

Expanding a sales and use tax exemption for personal property sold between political subdivisions to include sales or uses of personal property as a result of a merger or sales or uses of personal property made under contractual consolidations in which the taxpayer that originally paid the sales or use tax continues to benefit from the personal property.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5337 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. 5337.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5337 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SENATE BILL NO. 5337, 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. 5763, by Senators Wagoner, Takko and Honeyford

Concerning collector truck operators.

MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended,

Substitute Senate Bill No. 5763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wagoner spoke in favor of passage of the bill.

Senator Hasegawa 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. 5763.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Lias

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5763, 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 CONCURRENT RESOLUTION NO. 8403, by Senators Hunt and Wilson, C.

Renaming Marathon Park after Joan Benoit Samuelson.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Concurrent Resolution No. 8403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8403.

Senators Hunt and Zeiger spoke in favor of adoption of the resolution.

SENATE CONCURRENT RESOLUTION NO. 8403 having received a majority was adopted by voice vote.

SECOND READING

SENATE BILL NO. 5723, by Senators Randall, Saldaña, Lias, Rolfes, Billig and Nguyen

Increasing safety on roadways for pedestrians, bicyclists, and

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other roadway users.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall 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. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5723, 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. 5710, by Senators Liias, Saldaña, Cleveland, Takko, Billig, King, Nguyen and Dhingra

Establishing the active transportation safety advisory council. Revised for 1st Substitute: Establishing the Cooper Jones active transportation safety council.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5710 was substituted for Senate Bill No. 5710 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. 5710 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. 5710.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5710 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5710, 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. 5093, by Senator Fortunato

Enhancing litter control along state highways.

MOTIONS

On motion of Senator Fortunato, Second Substitute Senate Bill No. 5093 was substituted for Senate Bill No. 5093 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fortunato, the rules were suspended, Second Substitute Senate Bill No. 5093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato, King and Rolfes 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 Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5093 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SECOND SUBSTITUTE SENATE BILL NO. 5093, 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. 5865, by Senators Hasegawa, Nguyen, Conway, Dhingra, Schoesler, Billig, Honeyford, King, Randall, Saldaña and Wilson, C.

Declaring October as Filipino American history month.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 5865 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, Honeyford, Wagoner, Braun 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 Senate Bill No. 5865.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5865 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SENATE BILL NO. 5865, 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 Keiser resumed the chair.

SECOND READING

SENATE BILL NO. 5027, by Senators Frockt, Carlyle, Palumbo, Wellman, Pedersen, Keiser, Saldaña, Mullet and O'Ban

Concerning extreme risk protection orders.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 167 by Senator O'Ban be adopted:

On page 1, beginning on line 4, strike all of section 1

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

On page 1, line 2 of the title, after "RCW", insert "7.94.120,"

Senators O'Ban and Frockt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 167 by Senator O'Ban on page 1, line 4 to Substitute Senate Bill No. 5027.

The motion by Senator O'Ban carried and amendment no. 167 was adopted by voice vote.

MOTION

Senator Holy moved that the following amendment no. 165 by Senator Holy be adopted:

On page 6, beginning on line 26, after "by" strike "a preponderance of the" and insert "~~((a preponderance of the))~~ clear and convincing"

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

Senator Frockt spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 165 by Senator Holy on page 6, line 26 to Substitute Senate Bill No. 5027.

The motion by Senator Holy did not carry and amendment no. 165 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Dhingra and without objection, amendment no. 039 by Senator Dhingra on page 7, line 22 to Substitute Senate Bill No. 5027 was withdrawn.

MOTION

Senator Dhingra moved that the following amendment no. 032 by Senator Dhingra be adopted:

On page 11, after line 34, insert the following:

"**Sec. 7.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe

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that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; ((e))

(b) An extreme risk protection order has been issued against the person under RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in his or her custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

((e)) (d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160((4)) (5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.”

On page 1, line 1 of the title, after “orders;” strike “and”

On page 1, line 2 of the title, after “7.94.150” insert “; and reenacting and amending RCW 10.31.100”

Senator Dhingra spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 032 by Senator Dhingra on page 11, line 34 to Substitute Senate Bill No. 5027.

The motion by Senator Dhingra carried and amendment no. 032 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, O’Ban and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5027.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Fortunato, Padden, Short, Wagoner and Wilson, L.

Excused: Senator Becker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5027, 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. 5141, by Senators Wellman, Kuderer, Nguyen, Hunt, Das, Palumbo, Billig, Liias, Darneille, Frockt, Hasegawa and Wilson, C.

Concerning school resource officer mandatory training and policies.

MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5141 was substituted for Senate Bill No. 5141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SECOND SUBSTITUTE SENATE BILL NO. 5141, 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. 5514, by Senators Padden, Wellman, Zeiger and Frockt

Concerning first responder agency notifications to schools regarding potential threats.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5514 was substituted for Senate Bill No. 5514 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. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Wellman and Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5514.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE SENATE BILL NO. 5514, 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 6:46 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President for the purposes of dinner.

EVENING SESSION

The Senate was called to order at 7:47 p.m. by President Pro Tempore Keiser.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Merisa T. Heu-Weller, Senate Gubernatorial Appointment No. 9248, be confirmed as a member of the Bellevue College Board of Trustees.

Senator Kuderer spoke in favor of the motion.

MOTION

On motion of Senator Lias, Senator Conway was excused.

MOTION

On motion of Senator Rivers, Senators Sheldon and Walsh were excused.

APPOINTMENT OF MERISA T. HEU-WELLER

The President Pro Tempore declared the question before the Senate to be the confirmation of Merisa T. Heu-Weller, Senate Gubernatorial Appointment No. 9248, as a member of the Bellevue College Board of Trustees.

The Secretary called the roll on the confirmation of Merisa T. Heu-Weller, Senate Gubernatorial Appointment No. 9248, as a member of the Bellevue College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senators Becker, Conway, Sheldon and Walsh

Merisa T. Heu-Weller, Senate Gubernatorial Appointment No. 9248, having received the constitutional majority was declared confirmed as a member of the Bellevue College Board of Trustees.

SECOND READING

SENATE BILL NO. 5063, by Senators Nguyen, Hasegawa, Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Palumbo, Hunt, Wilson, C., Pedersen, Keiser, Kuderer, Saldaña, Mullet and Takko

Providing prepaid postage for all election ballots.

MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5063 was substituted for Senate Bill No. 5063 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Mullet spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman,

Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford and Padden

Excused: Senators Becker, Conway, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5197, by Senators Hobbs, Zeiger, Wagoner, Short, Bailey, Hunt, Fortunato and Keiser

Concerning the Washington national guard postsecondary education grant program.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Hobbs, Holy 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 Senate Bill No. 5197.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Becker, Conway, Sheldon and Walsh

SENATE BILL NO. 5197, 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. 5817, by Senators Rivers, Cleveland, Walsh, Randall, Schoesler and Short

Concerning senior students in accredited schools of chiropractic.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5817 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland 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. 5817.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5817 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Conway, Sheldon and Walsh

SENATE BILL NO. 5817, 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. 5755, by Senators Randall, Hobbs and Wilson, C.

Concerning veteran and national guard tuition waivers.

The measure was read the second time.

MOTION

Senator Randall moved that the following amendment no. 168 by Senators Randall and Holy be adopted:

On page 3, line 36, after "conditions", insert "and the narrative reason for separation on the DD 214 form includes reasons of gender or sexuality."

Senators Randall and Holy spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 168 by Senators Randall and Holy on page 3, line 36 to Senate Bill No. 5755.

The motion by Senator Randall carried and amendment no. 168 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Senate Bill No. 5755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the

FIFTY FIRST DAY, MARCH 5, 2019

2019 REGULAR SESSION

Senate to be the final passage of Engrossed Senate Bill No. 5755.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5755 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Becker, Conway, Sheldon and Walsh

ENGROSSED SENATE BILL NO. 5755, 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. 5297, by Senators Hunt, Conway, Keiser, Dhingra, Saldaña, Kuderer and Pedersen

Extending collective bargaining rights to assistant attorneys general.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5297 was substituted for Senate Bill No. 5297 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Braun 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. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker, Conway, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 5297, 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. 5323, by Senators Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña

Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments.

MOTION

On motion of Senator Das, Substitute Senate Bill No. 5323 was substituted for Senate Bill No. 5323 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Das moved that the following striking amendment no. 123 by Senators Das and Carlyle be adopted:

Strike everything after the enacting clause and insert the following:

“NEW SECTION. Sec. 1. (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2019, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by

a patchwork of inconsistent local requirements across the state.

(4) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

- (a) Prohibit the use of single-use plastic carryout bags;
- (b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;
- (c) Require the use of recycled content bags; and
- (d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Compostable" means that a product that is capable of being completely broken down in a timely manner, consistent with the standard specification as established in section 3(6) of this act, into a material safe and desirable as a soil amendment.

(3) "Compostable film bag" means a compostable bag that is designed and suitable only to be used once and disposed of or composted.

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

(5) "Pass-through charge" means a charge to be collected and retained by retailers from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(6) "Recycled content paper carryout bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets the requirements in section 3(6)(a) of this act.

(7) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(8) "Reusable carryout bag" means a bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.

(9) "Single-use plastic carryout bag" means any bag that is made from plastic that is designed and suitable only to be used once and disposed.

(10) "Standard specification" means the entire American society for testing and materials (ASTM) specification and associated test methods that must be met for:

(a) ASTM D6400 – standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 – standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

NEW SECTION. Sec. 3. (1) Except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

- (a) A single-use plastic carryout bag; or
- (b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale.

(b) A retail establishment must collect a pass-through charge of not less than ten cents for every recycled content paper carryout bag or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act. A retail establishment may make reusable carryout bags available to customers through sale.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on any receipts provided to customers.

(3) Carryout bags provided by a retail establishment do not include:

(a) Bags used by consumers inside stores to:

(i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;

(ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

(A) Frozen foods;

(B) Meat;

(C) Fish;

(D) Flowers; and

(E) Potted plants;

(iii) Contain unwrapped prepared foods or bakery goods;

(iv) Contain prescription drugs; or

(v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or

(b) Newspaper bags, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

(4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must be tinted green or brown, and be labeled "compostable," as required under subsection (6)(c)(i) of this section.

(b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags:

(i) That are tinted green or brown for bagging of customer products in stores, as carryout bags, or for home delivery;

(ii) To customers to bag products in stores, as a carryout bag, or for home delivery that is labeled with the term "biodegradable," "compostable," "degradable," "decomposable," "oxo-degradable," or any similar terms, or in any way imply that the plastic bag will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(5) Except as provided by local regulations in effect as of January 1, 2019, a retail establishment may provide a bag restricted under subsections (1) and (4) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.

(6) For the purposes of this section:

(a) A recycled content paper carryout bag must:

(i) Contain a minimum of forty percent postconsumer recycled materials;

(ii) Be capable of composting, consistent with the timeline and specifications of ASTM D6868, as it existed as of January 1,

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2019; and

(iii) Display the minimum percentage of postconsumer content in print on the exterior of the paper bag.

(b) A reusable carryout bag must:

(i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one hundred twenty-five times over a distance of at least one hundred seventy-five feet;

(ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and

(iii) If made of film plastic:

(A) Be made from a minimum of forty percent postconsumer recycled material;

(B) Display the minimum percentage of postconsumer content in print on the exterior of the plastic bag;

(C) Have a minimum thickness of no less than three mils; and

(D) Display wording that the bag is reusable.

(c) A compostable film bag must:

(i) Be labeled as “compostable” consistent with green guides published by the United States federal trade commission (16 C.F.R. part 260, as published October 11, 2012) or similar formal guidance issued by the federal trade commission regarding misleading environmental claims; and

(ii) Meet the standard specification established in ASTM D6400, as it existed as of January 1, 2019.

(d) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

NEW SECTION. Sec. 4. It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

NEW SECTION. Sec. 5. (1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) The enforcement of this chapter must be based primarily on complaints filed with the department. The department must establish a forum, which may include a complaint form on the department’s web site, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department must provide education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(3) The department may work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the benefits of reusable bags. Educational elements may include signage at store locations, informational literature, and employee training.

(4) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carry-out bags and to post signs encouraging customers to use reusable bags.

(5) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or

activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Any carryout bag ordinance that was not in effect as of January 1, 2019, is preempted by this chapter, as of the effective date of this section.

(2)(a) A city, town, county, or municipal corporation may, by ordinance, increase the amount of the minimum pass-through charge established in section 3(2)(b) of this act.

(b) A city, town, county, or municipal corporation ordinance in effect as of January 1, 2019, is not preempted until January 1, 2020.

Sec. 7. RCW 43.21B.110 and 2013 c 291 s 34 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of

natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2019, from the waste reduction, recycling, and litter control account for purposes of implementing the education and outreach activities required under section 5 of this act, then this act is null and void.

NEW SECTION. Sec. 9. 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.

NEW SECTION. Sec. 10. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 3 of the title, after "establishments;" strike the remainder of the title and insert "amending RCW 43.21B.110; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties."

MOTION

Senator Fortunato moved that the following amendment no. 127 by Senator Ericksen be adopted:

On page 2, beginning on line 11, after "(b)" strike all material through "(c)" on line 14

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

On page 2, beginning on line 32, after "(5)" strike all material through "(6)" on line 36

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

On page 3, beginning on line 24, after "section" strike "and section 4 of this act"

On page 3, beginning on line 33, after "(b)" strike all material through "act." on line 36

On page 4, beginning on line 1, strike all of subsection (2)(c)

On page 6, beginning on line 5, strike all of section 4

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

On page 7, beginning on line 6, after "(2)" strike all material through "(b)" on line 9

Senators Fortunato and Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Carlyle spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 127 by Senator Ericksen on page 2, line 11 to striking amendment no. 123.

The motion by Senator Fortunato did not carry and amendment no. 127 was not adopted by voice vote.

MOTION

Senator Das moved that the following amendment no. 169 by Senators Das and Short be adopted:

On page 3, at the beginning of line 34, strike "not less than ten" and insert "eight"

On page 3, line 34, after "bag" insert "with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater"

On page 5, line 30, after "than" strike "three" and insert "2.25"

On page 7, beginning on line 6, after "(2)(a)" strike all material through "act" on line 8 and insert "A city, town, county, or municipal corporation ordinance in effect as of January 1, 2019, that has established a pass-through charge of ten cents is not preempted"

Senator Das spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 169 by Senators Das and Short on page 3, line 34 to striking amendment no. 123.

The motion by Senator Das carried and amendment no. 169 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following amendment no. 176 by Senator Fortunato be adopted:

On page 7, after line 10, insert the following:

NEW SECTION. Sec. 7. (1) The department of ecology must examine and compare the life-cycle environmental impacts of carryout bags, including the effects on water quality and greenhouse gas emissions. The examination must include a review and comparison of:

(a) Paper and plastic bags;

(b) Recycled content paper and plastic bags;

(c) Compostable and biodegradable plastic bags; and

(d) Bags designed specifically to have long-term multiple uses.

(2) The department of ecology must contract with an independent third-party consultant to conduct a study that meets the requirements specified under subsection (1) of this section.

(3) By December 1, 2019, the department of ecology must provide a completed study to the appropriate committees of the

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legislature.”

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

On page 9, line 18, after “creating” strike “a new section” and insert “new sections”

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

Senator Carlyle spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 176 by Senator Fortunato on page 7, after line 10 to striking amendment no. 123.

The motion by Senator Fortunato did not carry and amendment no. 176 was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 123 by Senator Das, as amended, to Substitute Senate Bill No. 5323.

The motion by Senator Das carried and striking amendment no. 123, as amended, was adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute Senate Bill No. 5323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

Senator Ericksen 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. 5323.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5323 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Takko, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Bailey, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, O’Ban, Padden, Schoesler, Wagoner, Wilson, L. and Zeiger

Excused: Senators Becker, Conway, Sheldon and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, 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 Braun: “Thank you Madam President. So, I didn’t enter the debate on the last bill. I thought it was a spirited debate and while I very much support the efforts of the sponsor – don’t go away yet sponsor, I couldn’t ultimately support the pricing but, just as a point of appreciation, I brought a gift for the sponsor.

Some people don’t know it but we are very progressive in the 20th District. When it comes to reuse, repurpose, recycle we are it, is kind of the motto, in case you didn’t know that. Anyhow, this is a shopping bag that my wife built, sewed, maybe is the more appropriate term. It actually comes from a feedbag we use in the fall for our steers. And she has a pattern and she turns that into a nice shopping bag and I brought it as a gift for the sponsor. These are not for sale and this is not a solicitation. Thank you Madam President.”

SECOND READING

SENATE BILL NO. 5826, by Senators Darneille, O’Ban, Kuderer and Nguyen

Maximizing federal funding for prevention and family services and programs.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5826.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5826 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Conway, Ericksen, Sheldon and Walsh

SENATE BILL NO. 5826, 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. 5851, by Senators Frockt, Saldaña, Wellman and Wilson, C.

Enhancing educational opportunities for vulnerable children and youth using funding distributed from the Puget Sound taxpayer accountability account.

declared to be at ease subject to the call of the President.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5851 was substituted for Senate Bill No. 5851 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt 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. 5851.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5851 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford and Padden

Excused: Senators Becker, Conway, Ericksen, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 5851, 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 9:12 p.m., on motion of Senator Liias, the Senate was

The Senate was called to order at 9:59 p.m. by President Pro Tempore Keiser.

MOTION

At 10:00 o'clock p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 6, 2019.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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