

VOTERS' PAMPHLET

WASHINGTON STATE ELECTIONS
& WHATCOM COUNTY

GENERAL ELECTION
NOVEMBER 6



2018

YOUR BALLOT WILL BE MAILED BY **OCTOBER 19**

(800) 448-4881 | vote.wa.gov

OFFICIAL PUBLICATION



Secretary of State

Kim Wyman

A message from Secretary of State Kim Wyman

Welcome to your 2018 General Election Voters' Pamphlet!

This important election will decide local, state, and national races and issues. All 10 of Washington's congressional seats and a statewide race for the U.S. Senate are on the ballot in this election, as are all 98 seats in the state House of Representatives and 25 of 49 seats in the state Senate. City and county elections will select judges, council members, and other officials who administer day-to-day government functions locally.

Several statewide initiatives are on the ballot this year as well, with the potential to significantly affect public policy and Washingtonians' lives. For more than a century, citizens have used petitions to place issues directly before the state's voters, and the Voters' Pamphlet has provided valuable information about what each proposal would do. Inside this edition of the Pamphlet, you'll find explanations of each initiative, the impact each would have on state government finances, and arguments for and against.

To participate in this election, you must be registered to vote in Washington. You may check your registration status anytime online at MyVote.wa.gov. If you are not yet registered to vote in this year's General Election, you have until October 29th to register at your county's elections office.

This year, you and voters throughout the state will be able to return ballots by mail without using a stamp. This new convenience provides greater access to elections. Whether you use a mailbox or drop box, you can cast your vote postage-free.

Voting is your opportunity to make your voice heard at the ballot box and make a difference in your community. Please take time to read through this Voters' Pamphlet to learn about the important issues and political offices being decided this year, and then fill out your ballot and return it by November 6th by mail or in one of your county's drop boxes.

Thank you for your time and your participation in the political process. Make an impact in your community and our state by voting this fall!



A handwritten signature in black ink that reads "Kim Wyman".

Kim Wyman
Secretary of State



@secstatewa



/WASecretaryofState
/WashingtonStateElections

November 6, 2018 General Election

Table of contents

Voting in Washington State 4
 Accessible Pamphlets 5
 Language Assistance 6

Measures

Initiative Measure No. 1631. 8
 Initiative Measure No. 1634. 18
 Initiative Measure No. 1639. 21
 Initiative Measure No. 940 27
 Advisory Votes. 32

Candidates

U.S. Senate 37
 U.S. House of Representatives 40
 State Legislative Offices. 44
 State Judicial Offices. 50

Whatcom County Voters' Pamphlet 57

More information

Complete Text of Measures 84
 Contact Your County. 110



Political parties

Washington State Democrats

PO Box 4027
 Seattle, WA 98194
 (206) 583-0664
 info@wa-democrats.org
 www.wa-democrats.org

Washington State Republican Party

11811 NE 1st St, Ste A306
 Bellevue, WA 98005
 (425) 460-0570
 caleb@wsrp.org
 www.wsrp.org



Who donates to campaigns?

View financial contributors for candidates and measures:

Public Disclosure Commission

www.pdc.wa.gov
 Toll Free (877) 601-2828

Voting in Washington State

Qualifications

You must be at least 18 years old, a U.S. citizen, a resident of Washington State, and not under Department of Corrections supervision for a Washington State felony conviction.

Register to vote & update your address

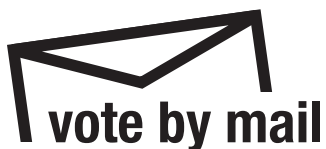
The deadline to update your voting address has passed. Contact your *former* county elections department to request a ballot at your new address.

New voters may register in person until **October 29** at your county elections department.

Military voters are exempt from voter registration deadlines.

Cast Your Ballot

- 1** Your ballot will be mailed to the address you provide in your voter registration.



- 2** Vote your ballot and sign your return envelope.



- 3** Return it by mail or to an official ballot drop box by **8 p.m. on November 6**. No stamp needed for this election!



Where is my ballot?

Your ballot will be mailed by October 19.

If you need a replacement ballot, contact your county elections department listed at the end of this pamphlet.

View Election Results

VOTE.WA.GOV

or get the mobile app

WA State Election Results





Accessible pamphlet available



Audio and plain text voters' pamphlets available at vote.wa.gov.

No Internet access?

To receive a copy on CD or USB drive, call **(800) 448-4881**.



Language assistance

Se habla español

Todos los votantes del estado de Washington tienen acceso al folleto electoral y a los formularios de inscripción en español por internet en www.vote.wa.gov.

Adicionalmente, los votantes de los condados de Yakima, Franklin y Adams recibirán su boleta y folleto electoral de forma bilingüe antes de cada elección.

Si usted o alguien que conoce necesitan asistencia en español llame al **(800) 448-4881**.

中國口語

所有華盛頓州的選民都可在網站 www.vote.wa.gov 查看中文選民手冊和選民登記表格。

此外，金郡選民也可登記在每次選舉前自動獲取中文選票和選民手冊。

如果您或您認識的人需要語言協助，請致電 **(800) 448-4881**。

Việt Nam được nói

Tất cả cử tri ở Tiểu Bang Washington có thể truy cập sách dành cho cử tri và đơn ghi danh cử tri bằng tiếng Việt trực tuyến tại www.vote.wa.gov.

Ngoài ra, cử tri ở Quận King có thể đăng ký để tự động nhận lá phiếu và sách dành cho cử tri bằng tiếng Việt trước mỗi cuộc bầu cử.

Nếu quý vị hoặc người nào quý vị biết cần trợ giúp ngôn ngữ, xin vui lòng gọi **(800) 448-4881**.

The Ballot Measure Process

The Initiative

Any voter may propose an initiative to create a new state law or change an existing law.

Initiatives to the People

are proposed laws submitted directly to voters.

Initiatives to the Legislature

are proposed laws submitted to the Legislature.

The Referendum

Any voter may demand that a law proposed by the Legislature be referred to voters before taking effect.

Referendum Bills

are proposed laws the Legislature has referred to voters.

Referendum Measures

are laws recently passed by the Legislature that voters have demanded be referred to the ballot.

Laws by the People

Before an **Initiative to the People** or an **Initiative to the Legislature** can appear on the ballot, the sponsor must collect...



259,622
VOTERS'
SIGNATURES

8% of all votes in the last
Governor's race

Before a **Referendum Measure** can appear on the ballot, the sponsor must collect...



129,811
VOTERS'
SIGNATURES

4% of all votes in the last
Governor's race

**Initiatives & Referenda
BECOME LAW**
with a simple
MAJORITY VOTE

Initiative Measure No.

1631

Initiative Measure No. 1631 concerns pollution.

This measure would charge pollution fees on sources of greenhouse gas pollutants and use the revenue to reduce pollution, promote clean energy, and address climate impacts, under oversight of a public board.

Should this measure be enacted into law?

Yes

No

Explanatory Statement 9
Fiscal Impact Statement 11
Arguments For and Against 17



The Secretary of State is not responsible for the content of statements or arguments (WAC 434-381-180).

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

Under existing law, Washington has set goals to reduce greenhouse gases emitted in Washington. Those gases include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and other gases designated by the Department of Ecology. The goals are to reduce greenhouse gas emissions in the state to 1990 levels by 2020 and to continue reducing greenhouse gas emissions to achieve fifty percent of 1990 levels by 2050. The Department of Commerce is responsible for developing a plan to reduce greenhouse gas emissions and reporting progress toward meeting the state's goals. State agencies are required to reduce greenhouse gas emissions by certain specified levels.

Various laws and state agency rules relate to the reduction of greenhouse gas emissions. These include emission standards for certain power plants, renewable fuel standards, building codes, requirements for utilities to use renewable resources, converting state vehicles to clean fuels, motor vehicle emission standards, and land use laws such as the Growth Management Act, which encourage efficient transportation systems.

Under the State Environmental Policy Act (SEPA), state and local government must engage in a variety of public processes to review, avoid, or minimize environmental impacts. These processes include analyzing greenhouse gases and considering input from individuals and Indian tribes concerning environmental impacts of state permitting or other action.

The Effect of the Proposed Measure if Approved

This measure would impose a pollution fee on large emitters of greenhouse gases. Money raised by the fee would be used for certain environmental programs and projects. The measure would create a public oversight board to implement the measure and approve funding for programs and projects. It also sets forth procedures for proposing and approving the programs and projects that could be funded by money generated from the new fee.

The pollution fee imposed by the measure would apply to fossil fuels sold or used within this state and electricity generated within or imported into this state. Fossil fuels include motor vehicle fuel and other petroleum products intended for combustion, natural gas, coal, coke, and any form of fuel created from these products. The pollution fee would be collected only one time on any particular unit of fossil fuels or energy. This means that the fee would not have to be paid again by subsequent sellers or users of the same fuel or energy.

The fee imposed on fossil fuels would be collected from various persons or companies. For motor vehicle fuel and "special fuel" (diesel and certain other fuels), the fee would be collected from fuel licensees who currently pay the motor vehicle fuel taxes on those fuels. For natural gas, the fee would be collected from natural gas public utilities or entities that pay the state's natural gas use tax. For refinery facilities, the fee would be collected from the refinery for fossil fuels consumed or used by the refinery. The fee may also be collected from a seller of fossil fuels to end users or consumers, a seller of fuel used for certain combined heat and power, or from other persons designated by the Department of Revenue.

The fee imposed on electricity would be collected from importers of electricity generated using fossil fuels, importers of electricity generated from an unspecified source, or a power plant located in Washington that generates electricity using fossil fuels.

The fee charged would be based on the amount of carbon content in the fossil fuels. In the case of electricity, the fee would be based on the carbon content of the fossil fuels used to generate the electricity. "Carbon content" means the carbon dioxide equivalent released from burning or oxidation of fossil fuels. Carbon dioxide equivalent is a measure used to compare emissions from various greenhouse gases based on their global warming potential. So the carbon content of a fossil fuel is a measure of the carbon dioxide and other greenhouse gases that are released when the fossil fuel is burned or otherwise consumed. For purposes of calculating the fee, the Department of Ecology is responsible for determining the carbon content of fossil fuels or inherent in electricity.

Beginning January 1, 2020, the pollution fee is set at fifteen dollars per metric ton of carbon content. The fee increases by two dollars per metric ton each year and is also adjusted for inflation each year. The two-dollar annual increases continue until the state's existing greenhouse gas reduction goal for 2035 is met and the state is on pace and likely to meet the 2050 greenhouse gas reduction goal. At that time, the pollution fee will be fixed, except for the annual inflation adjustments.

The measure would not impose the fee in certain circumstances. For example, the fee would not apply to fossil fuels brought into Washington in the fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft. It would not apply to fossil fuels exported or sold for export outside Washington. It would not apply to fossil fuels supplied to a light and power business for purposes of generating electricity. It would not apply to fossil fuels and electricity sold to and used by certain facilities designated by the Department of Commerce as within energy-intensive and trade-exposed industries. It would not apply to aircraft fuels, certain fuel used for agricultural purposes, and

motor vehicle fuel or special fuel currently exempt from taxation. It would not apply to Indian tribes and Indians in circumstances where they are exempt from state taxation. The fee would not apply to facilities that generate electricity by burning coal, if those facilities are legally bound to close by 2025 or to comply with certain emission standards by 2025.

The measure also allows for credits in certain circumstances. For example, a fee-payer may receive a credit if the fossil fuel or electricity is subject to a similar fee on carbon content in another jurisdiction and the fee-payer receives approval from the Department of Commerce. A light and power business or gas distribution business, also known as a utility, may receive a credit up to the full amount of the fee for investments in programs, activities, or projects consistent with a clean energy investment plan. But to receive that credit, the utility's clean energy investment plan must be approved by the state Utilities and Transportation Commission (for investor-owned utilities) or the Department of Commerce (for consumer-owned utilities).

The measure would establish a public oversight board to implement the new law. The board would have fifteen voting members: the chair; the Commissioner of Public Lands; the directors of the Department of Commerce, the Department of Ecology, and the Recreation and Conservation Office; four at-large positions; and six co-chairs of three investment panels. The three investment panels would be created by the measure and would provide advice and recommendations to the board and assist in developing criteria for approving spending on certain projects. There would be certain requirements for the at-large positions and the six co-chairs.

The board would have numerous powers and duties. It would make decisions about which projects and programs to fund with the moneys raised by the pollution fee. It would review and approve rules developed by other agencies that set guidelines for the various programs required or funded by the measure. The board would consult with other agencies and government bodies, Indian tribes, and others in developing projects. It would report to the Governor and Legislature regarding progress and challenges in implementing the measure.

The measure would require consultation with Indian tribes by any state agency implementing the law, or receiving funding for projects, on decisions that may directly affect Indian tribes and tribal lands. The board could not approve spending on projects that directly affect an Indian tribe's lands or usual and accustomed fishing areas without first engaging in this formal consultation and following a mutually agreed timeline for the consultation. If a project is funded without this consultation and directly affects lands owned or controlled by an Indian tribe or affects lands where a tribe has a significant interest, action on the project

must cease upon request by an affected Indian tribe.

The measure would place all pollution fees collected in the state treasury in an account called the "clean up pollution fund." Expenditures from the fund would be limited to certain investments defined in the measure. The measure includes certain criteria that must be considered when approving funding.

The measure would allow money from the clean up pollution fund to be used for reasonable administrative costs. After administrative costs, the clean up pollution fund must be used for certain categories of investments: seventy percent of the clean up pollution fund must be spent on clean air and clean energy investments, twenty-five percent for clean water and healthy forest investments, and five percent for healthy communities investments. The board may allow different percentages in certain circumstances.

The measure defines clean air and clean energy investments as programs, activities, or projects that reduce pollution or that assist affected workers or people with lower incomes. As noted above, seventy percent of the fund would be spent in this category. The measure identifies some programs that fit this spending category, including those that promote renewable energy such as solar and wind power; that increase energy efficiency; that reduce transportation-related carbon emissions through use of electric vehicles or public transportation; and that promote the capturing and storing of carbon in water, soil, forests, or other natural areas. At least fifteen percent of the clean air and clean energy investments must be used to reduce the energy burden of people with lower incomes through programs such as assistance with paying energy bills, promoting public or shared transportation, and reducing energy consumption. In addition, within four years, a minimum of \$50 million would be set aside for a program to support fossil-fuel workers who are affected by the transition away from fossil fuels. The program may include wage replacement, health benefits, pension contributions, retraining costs, and other services.

The Department of Commerce, in consultation with others, must propose rules and criteria for disbursing funds for clean air and clean energy investments. The proposed rules and criteria must be approved by the board. The measure includes certain requirements for the rules and criteria for disbursing funds and includes certain goals for reducing carbon emissions and global temperature increases.

The second spending category for the clean up pollution fund is to address the impacts of climate change on the state's waters and forests. Twenty-five percent of the fund will be spent in this category. Examples for this category include spending to restore and protect state waters, to address ocean acidification, to reduce flood risk, to reduce risk of wildfires, and to address other impacts of

climate change. Various state agencies are responsible for proposing rules and criteria for eligible programs. The rules and criteria for these programs must be approved by the board.

Finally, the third spending category for the clean up pollution fund is to prepare communities for the impacts of climate change and to help certain populations who are particularly affected by climate change. Five percent of the fund will be spent in this category. In this category, funds can be used for wildfire prevention and preparedness, relocation of communities on tribal lands affected by sea level rise and floods, and public school education about the impacts of climate change and ways to reduce pollution. A portion of this fund must be used to help communities participate in carrying out the measure, such as help in preparing proposals for projects.

In addition to the spending requirements for these three categories, the measure imposes other requirements on spending. At least thirty-five percent of spending from the clean up pollution fund must provide direct and meaningful benefits to what the measure calls “pollution and health action areas.” The Department of Health designates those areas based on University of Washington analyses of vulnerable populations and environmental burdens. A particular area partially or fully within Indian reservations or other Indian lands would also qualify as a pollution and health action area. At least ten percent of funds must be spent for projects formally supported by a resolution of an Indian tribe, and ten percent must be spent for projects located in and benefiting a pollution and health action area.

Fiscal Impact Statement

Written by the Office of Financial Management
For more information visit www.ofm.wa.gov/ballot

FISCAL IMPACT SUMMARY

Initiative 1631 imposes a pollution fee on large emitters of greenhouse gases. The fee will raise \$2,295,785,000 during the first five fiscal years. The additional Utilities and Transportation Commission regulatory fee will raise \$9,685,072 during the first five fiscal years. A public oversight board is established to supervise revenue expenditures to reduce carbon pollution, promote clean energy and address climate impacts to the environment and communities. Twelve state agencies and two higher education institutions are estimated to expend \$27,178,592. The remaining expenditures cannot be estimated until the public board approves investment plans. Local government expenditures are estimated to be \$158,623,072.

GENERAL ASSUMPTIONS

- The effective date of the initiative is Dec. 6, 2018.
- The provisions of the initiative apply prospectively, not retroactively.

- Because the pollution fee will not be collected until Jan. 1, 2020, it is assumed that all costs for state agencies, except the Utilities and Transportation Commission (UTC), to implement the initiative before this date will be paid from the State General Fund. UTC costs are paid from the Public Service Revolving Account.
- Estimates use the state’s fiscal year of July 1 through June 30. Fiscal year 2019 is July 1, 2018, to June 30, 2019.

REVENUE

Local Revenue

The initiative will not impact local revenue.

State Revenue

The initiative would generate an estimated \$2,305,470,073 over five fiscal years from the state pollution fee and UTC regulatory fees.

State Pollution Fee

The initiative would impose a pollution fee on large emitters of fossil fuels based upon the carbon content of fossil fuels sold or used within the state, electricity generated within the state (including out-of-state sales) and electricity imported for consumption in the state. Beginning Jan. 1, 2020, the pollution fee is set at \$15 per metric ton of carbon content. The fee would increase by \$2 per metric ton each year and is also adjusted for inflation each year. The \$2 annual increases would continue until the state’s existing greenhouse gas reduction goal for 2035 is met and the state is on pace and likely to meet the 2050 greenhouse gas reduction goal. At that time, the pollution fee would be fixed, except for annual inflation adjustments. The initiative would provide exemptions from the fee for certain fossil fuels and facilities.

The initiative would allow qualifying light and power businesses or gas distribution businesses to claim credits up to 100 percent of the pollution fee for investments made through clean energy investment plans that are approved by the UTC for investor-owned utilities and by the Department of Commerce for consumer-owned utilities.

All revenues from the pollution fee are deposited into the Clean Up Pollution Fund.

STATE REVENUE ASSUMPTIONS

Revenue estimates are based on: 1) the U.S. Energy Information Agency (EIA) 2018 Annual Energy Outlook; 2) the IHS Markit June 2018 forecast of the Consumer Price Index for All Urban Consumers (CPI-U); and 3) the Washington State Department of Commerce, State Energy Office, Carbon Tax Assessment Model (CTAM) – version 3.5. The Department of Commerce periodically updates data in the CTAM. Any data updates to the CTAM made

between preparation and publication of this fiscal impact statement are not reflected in the estimates displayed here. Although the initiative specifies that the US Bureau of Labor Statistic price index for all urban wage earners and clerical workers (CPI-W) is used to calculate the inflationary increase in the carbon fee, the Department of Revenue does not have access to a forecast for CPI-W so the CPI-U is used instead.

The following assumptions are made in the CTAM for modeling purposes:

- Year one is set to calendar year 2020 to most closely correspond to the Jan. 1, 2020, effective date of the proposed pollution fee.
- The baseline reference energy forecast (option A) is specified, which corresponds to the EIA Annual Energy Outlook 2018 reference case.
- Marine fuels are exempted.
- Aircraft fuels are exempted.
- “Transition coal,” i.e., power generated from coal plants scheduled to close by 2025, is exempted.
- Power generated from Colstrip plants 1 and 2 are exempted since they are legally bound to cease operations by Dec. 31, 2025.

The following have been factored into the modeling to the extent possible:

- An exemption for aircraft fuels.
- An exemption for maritime fuels.
- An exemption for pollution emissions from coal closure facilities.
- An exemption for the fossil fuels and electricity sold to or used onsite by facilities with a primary activity that falls into an Energy Intensive Trade Exposed (EITE) sector. (Note that due to lack of available data, no attempt has been made to model the impact of this exemption for qualifying support facilities.)
- Facility-specific emissions data has been drawn from the Washington State Department of Ecology’s Greenhouse Gas Reporting Program, which requires facilities that emit at least 10,000 metric tons of CO₂ per year in Washington to report. Note that facilities that emit fewer than 10,000 metric tons of CO₂ per year in Washington are not included in the data set used for estimating the EITE exemption.
- Emissions estimates have been adjusted to the extent possible to remove biogenic fuel emissions, non-CO₂ emissions and industrial process emissions.
- Zero growth is assumed for EITE facility emissions into the future.
- The initiative defines “carbon content” to include both CO₂ emissions and other CO₂ equivalents (methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, nitrogen trifluoride) released through the combustion or oxidation of fossil fuels. The revenue

from this proposal could be approximately 1 percent higher than modeled because the CTAM does not apply a tax or fee to CO₂ equivalents.

- Five months of cash collections are reflected in fiscal year 2020 due to the Jan. 1, 2020, effective date for the pollution fee.
- No credits are granted for payment of a similar fee in other jurisdictions.
- Qualifying light and power businesses or gas distribution businesses are assumed to claim credit for 100 percent of the pollution fees for which they are liable.

State Revenue Impacts

(See Table 1 on page 15)

Pollution Fee Revenues Distribution Assumptions and Descriptions

Following deductions for administrative costs, 70 percent of the balance in the Clean Up Pollution Fund will be deposited into the Clean Air and Clean Energy Account, 25 percent will be deposited into the Clean Water and Healthy Forests Investments Account and 5 percent will be deposited into the Healthy Communities Account.

In addition, the initiative defines investor-owned utility-retained credits in the utilities’ Clean Energy Investment Account as gross operating revenue subject to UTC regulatory fees. This fee is equal to one-tenth of 1 percent of the first \$50,000 of gross operating revenue, plus two-tenths of 1 percent of any gross operating revenue in excess of \$50,000. In addition, each investor-owned utility must pay an annual fee of up to 1 percent of credited fees deposited into the Clean Energy Investment Account for UTC administrative costs to implement the initiative. It is assumed that the fee is set annually at 1 percent and excludes any amounts retained by consumer-owned utilities. These revenues would be deposited into the Public Service Revolving Account.

The initiative specifies that the Clean Up Pollution Fund may be used to pay for reasonable administrative costs. It is assumed that “administrative costs” include tax administration and other tasks necessary to implement the initiative unless a state agency has a usual fund source for the work required by the initiative.

(See Table 2 on page 15)

STATE GOVERNMENT EXPENDITURES

State Agency Implementation Cost Assumptions

Because the pollution fee will not be collected until Jan. 1, 2020, it is assumed that all costs for state agencies, except UTC, to implement the initiative before this date will be paid from the State General Fund. UTC costs are paid from the Public Service Revolving Account.

The initiative would establish a public oversight board (POB) to implement the new law. The POB adopts all programmatic policies, procedures and rules per the State Administrative Procedures Act for programs funded through the Clean Air and Clean Energy Account, the Clean Water and Healthy Forests Investments Account and the Healthy Communities Account. Utility investment plans are approved by the Department of Commerce and UTC by Dec. 31, 2020, to allow utilities to obtain pollution fee credits.

POB activity is phased as follows: 1) formation and organization; 2) programmatic rule makings and review and approval of investment plans; 3) project approvals and updates to rules, policies and procedures; 4) appropriation recommendations to the Legislature; and 5) tribal consultations throughout.

The POB would meet bimonthly in Olympia beginning March 1, 2019. From March 2019 through January 2020, the POB would hold one-day meetings; from February 2020 through January 2021, each meeting would last two days, with one-day meetings thereafter.

For each of the three Investment Advisory Panels, meeting length, location and frequency would mirror that of the POB, except that panel meetings would start in July 2019.

The Department of Health would begin work on Jan. 1, 2019, to designate pollution and health action areas and would complete this task by July 31, 2019.

To meet the requirement that state agencies submit all policies, procedures and rules related to expenditures from the Clean Air and Clean Energy Account, the Clean Water and Healthy Forests Investments Account and the Healthy Communities Account to the POB by Jan. 1, 2020, state agency work would begin on Jan. 1, 2019. State agencies would also begin work on Jan. 1, 2019, to develop the initial pollution reduction investment plans and rules that describe the processes and criteria to disburse funds from the Clean Air and Clean Energy Account, with review and approval by the POB by Jan. 1, 2020. A permanent pollution reduction investment plan and rule would be submitted to the POB by Jan. 1, 2022.

The Department of Ecology would begin work on Jan. 1, 2019, and would adopt emergency rules by Nov. 1, 2019, that specify the carbon content inherent in or associated with covered fossil fuels and electricity.

STATE AGENCY EXPENDITURES

State agency costs are estimated to be \$27,178,592 over five fiscal years to implement the initiative. Costs by agency are:

- The Department of Revenue would incur costs estimated at \$4,170,500 to administer pollution fee collection activities.

- The Office of the Governor would incur costs estimated at \$8,326,874 for the staffing, operation, per diem and compensation of the POB and three investment panels that would review and adopt through the rule-making process, as needed, plans, procedures, criteria and rules for the programs as well as conduct effectiveness reviews.
- The Department of Commerce would incur costs estimated at \$10,668,899 to draft the initial and final pollution reduction investment plans as well as the proposed rules for process and criteria to disburse funds from the Clean Air and Clean Energy Account. In consultation with the Environmental and Economic Justice Panel, the department would incur costs to develop a plan for investments that directly reduce the energy burden of people with lower incomes; design and implement comprehensive enrollment campaigns to inform and enroll people with lower incomes in energy assistance programs; create a program and provide assistance and support to workers in fossil fuel industries affected by the transition to a cleaner energy economy; and develop draft procedures and rules to provide community capacity grants to participate in implementing the initiative. The agency would participate in development of carbon emission standards, validate a facility's EITE designation and review petitions by fee payers for credits for similar pollution fees imposed by other states. It would also conduct effectiveness reviews of programs in achieving carbon reduction goals and implementing pollution reduction plans.
- The Department of Health would incur estimated costs of \$631,000 to designate and update pollution and health action areas, participate on the POB and help support the Environmental and Economic Justice Panel and other investment panels.
- The Department of Ecology would incur both estimated costs and savings. Estimated costs of \$3,325,787 would be incurred to develop procedures, criteria and rules for grant programs for increasing the ability to remediate and adapt to the impacts of ocean acidification, reducing flood risk and restoring natural floodplain ecological function, increasing the sustainable supply of water and improving storm water infrastructure from previously developed areas within an urban growth boundary. These costs would also enable Ecology to contribute to development of procedures, criteria and rules on restoring and protecting estuaries, fisheries and marine shoreline habitats, and preparing for sea level rise. The agency would also adopt emergency rules specifying the basis for the carbon content of covered fossil fuels and electricity, work in consultation with the Department of Commerce to select a default emission

factor for light and power businesses, and publish a default emissions factor for U.S. Bonneville Power Administration sales of electricity in Washington state. Ecology would also serve as a voting member of the POB, engage investment advisory panels and participate in conducting effectiveness reviews of programs in achieving carbon reduction goals and implementing pollution reduction plans. Ecology would incur estimated savings of \$10,436,000 in the State General Fund and the State Toxics Control Account from adopting rules to eliminate the program supporting the Clean Air Rule (Chapter 173-442 Washington Administrative Code) and associated greenhouse gas emissions reporting (Chapter 173-441 Washington Administrative Code), for a net estimated savings of \$7,110,213 over the five-year period.

- The Washington State Recreation and Conservation Office would incur estimated costs of \$534,272 to develop proposed procedures, criteria and rules for a grant program to prevent the conversion and fragmentation of working forests, farmland and natural habitat that sequester carbon and provide additional ecological benefits and to participate in the development of proposed procedures, criteria and rules for clean water investments that improve resilience from climate impacts. The agency would also participate as a voting member of the POB.
- The Department of Fish and Wildlife would incur estimated costs of \$423,600 to participate in development of proposed procedures, criteria and rules for clean water investments that improve resilience from climate impacts.
- The Puget Sound Partnership would incur estimated costs of \$272,772 to participate in the development of proposed procedures, criteria and rules for clean water investments that improve resilience from climate impacts, review programs and projects for consistency with the Puget Sound Action Agenda, and participate in conducting effectiveness reviews of programs in achieving carbon reduction goals and implementing pollution reduction plans.
- The Department of Natural Resources would incur estimated costs of \$2,573,400 to develop proposed procedures, criteria and rules to sequester carbon through blue carbon projects, invest in healthy forests and enhance community preparedness and awareness of wildfires. Costs would also support tribal communities to suppress, prevent and recover from wildfires, and relocate tribal communities impacted by flooding and sea level rise. The agency would also participate in development of proposed procedures, criteria and rules for clean water investments that improve resilience from climate impacts.
- The Washington State Department of Agriculture would incur estimated costs of \$485,000 to develop proposed procedures, criteria and rules for a program to increase soil sequestration and reduce emissions from the loss and disturbance of soils.
- The UTC would incur estimated costs of \$4,800,418 to review and approve private utilities' clean energy investment plans, review utilities' annual reports on implementing their clean energy investment plans, conduct necessary rule making, support the POB and the investment panels, undertake tribal consultation on clean energy investments and participate in development of an effectiveness report.
- The University of Washington would incur estimated costs of \$797,070 for its Department of Environmental and Occupational Health Sciences to assist the Department of Health in designating and updating pollution and health action areas, and for the Climate Impacts Group to provide technical assistance to the Department of Natural Resources in developing programs and allocating funds for the clean water and healthy forest investments that increase resilience from climate impacts on wildlife and forest health and for investments to prepare communities for challenges caused by climate change.
- The Washington State University Energy Program would incur estimated costs of \$525,000 to participate in drafting the initial and final pollution reduction investment plans.
- The Office of Superintendent of Public Instruction would incur estimated costs of \$80,000 for developing and implementing education programs and teacher development programs to expand awareness of and increase preparedness for the environmental, social and economic impacts of climate change and strategies to reduce pollution.

(See Table 3 on page 16)

LOCAL GOVERNMENT AND SCHOOL DISTRICT EXPENDITURES

(See Table 4 on page 16)

Cities, public utility districts, port districts and other local governments that provide electricity and natural gas services would potentially be required to pay the pollution fee. It is estimated that 43 local governments would likely be impacted by the initiative. Publicly owned utilities could either pay the pollution fee or claim a credit for state-approved clean-energy investments. It is assumed that publicly owned utilities operated by local governments would incur costs of \$158,623,072 over four years, primarily for state-approved clean-energy investments made in lieu of pollution fees for which they would be liable.

Key assumptions used to generate these estimates are:

- Pollution fee estimates are based upon the Department of Commerce's 2016 Washington State Electric Utility Fuel Mix Disclosure Report and the EIA 2016 data on natural gas utility deliveries.
- All consumer-owned utilities will withhold 100 percent of pollution-fee liability as pollution-fee credits equal to the value of clean-energy investments; however, the specific types of programmatic investments are unknown at this time. Jurisdictions choosing to participate in credit-eligible activities will incur indeterminate costs related to developing clean energy investment plans, applying for credits and reporting on funding usage.
- Neither the mix of fuels associated with electricity sources nor the demand for carbon-based fuels changes from 2016 reported levels. Local governments generally do not have the ability to modify their fuel mixes in the near term, and the impact of utility clean-energy investments on fuel mix and electricity demand are unknown at this time.

The Office of Superintendent of Public Instruction estimates that there are approximately 30 school districts that operate their own fueling distribution facilities that service their school bus fleets. To the extent these districts purchase fuel from out-of-state suppliers, they would be liable for the pollution fee. The source of fuel for these facilities is unknown, so no estimate is included of any potential costs to school districts. Similarly, the pollution fee liability incurred by local governments operating their own fuel-distribution facilities supplied with fuel imported directly from out of state is not known at this time.

Table 1 – Pollution fee revenues deposited into the Clean Up Pollution Fund					
State Revenue Impact	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Clean Up Pollution Fund	\$0	\$238,374,000	\$610,047,000	\$686,365,000	\$760,999,000

Table 2 – State revenues					
State Revenue Impact by Fund	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Clean Up Pollution Fund (Administration)	\$0	\$4,670,163	\$6,495,803	\$6,106,598	\$4,840,946
Clean Air and Clean Energy Account	\$0	\$163,592,686	\$422,485,838	\$476,180,881	\$529,310,638
Clean Water and Healthy Forest Account	\$0	\$58,425,959	\$150,887,799	\$170,064,601	\$189,039,514
Healthy Communities Account	\$0	\$11,685,192	\$30,177,560	\$34,012,920	\$37,807,903
Public Service Revolving Account	\$0	\$996,266	\$2,545,019	\$2,898,850	\$3,244,937
State Total	\$0	\$239,370,266	\$612,592,019	\$689,263,850	\$764,243,938

Table 3 – State Expenditures from the State General Fund, the Clean Up Pollution Fund, the Public Service Revolving Account and the State Toxics Control Account					
Agency	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Governor's Office	\$174,180	\$2,109,440	\$2,031,220	\$1,930,146	\$2,081,888
Department of Revenue	\$0	\$1,764,400	\$819,700	\$810,700	\$775,700
Department of Commerce	\$2,452,979	\$2,542,708	\$1,657,286	\$2,649,444	\$1,366,482
Department of Health	\$315,000	\$46,000	\$162,000	\$62,000	\$46,000
Department of Ecology	\$(467,705)	\$(701,365)	\$(1,943,750)	\$(1,905,164)	\$(2,092,229)
Recreation and Conservation Office	\$118,846	\$261,226	\$139,846	\$7,177	\$7,177
Department of Fish and Wildlife	\$62,800	\$191,000	\$169,800	\$0	\$0
Puget Sound Partnership	\$33,419	\$33,420	\$33,104	\$93,098	\$79,731
Department of Natural Resources	\$650,700	\$1,241,100	\$648,800	\$16,400	\$16,400
Department of Agriculture	\$118,000	\$224,000	\$143,000	\$0	\$0
Utilities and Transportation Commission	\$253,294	\$843,092	\$1,111,404	\$1,479,395	\$1,113,233
University of Washington	\$208,518	\$160,161	\$142,797	\$142,797	\$142,797
Washington State University	\$75,000	\$175,000	\$125,000	\$100,000	\$50,000
Office of Superintendent of Public Instruction	\$0	\$80,000	\$0	\$0	\$0
Total	\$3,995,031	\$8,970,182	\$5,240,207	\$5,385,993	\$3,587,179

Table 4 – Total local government expenditure impact					
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Publicly Owned Utilities	\$0	\$18,811,545	\$40,579,011	\$46,552,927	\$52,679,589
Local Government Total	\$0	\$18,811,545	\$40,579,011	\$46,552,927	\$52,679,589

Argument for

Building a Cleaner Healthier Future for Our Kids

We have a responsibility to future generations to pass on a healthier place to live. Initiative 1631 is a sensible step that puts a fee on large polluters like big oil companies, making them pay when they pollute our air and water and invests in affordable clean energy and healthier communities.

Holding Big Polluters Accountable to Protect our Air and Water

When big oil companies pollute they leave the rest of us to pay the price with our health and environment. Initiative 1631 will make clean energy like wind and solar more affordable for more people, reduce over 25 million tons of pollution annually, and build new clean energy projects creating 41,000 good paying jobs across the state.

Public Accountability and Transparency

All investments are overseen by a public board of experts in science, business, health, and trusted community leaders so that big oil companies and their lobbyists aren't making decisions about our future. Regular audits will ensure we're reducing pollution and expanding clean energy.

Washington vs. Big Oil

Initiative 1631 is backed by the largest initiative coalition in state history, including over 200 organizations and businesses like The Nature Conservancy, American Lung Association, Union of Concerned Scientists, REI, Children's Alliance, Sierra Club, MomsRising, Physicians for Social Responsibility, Tulalip Tribes, Washington Conservation Voters, OneAmerica, UFCW 21, and Latino Community Fund.

By voting Yes we will build clean energy, create thousands of jobs, and pass on a healthier future for our kids.

Rebuttal of argument against

Five out-of-state oil companies are funding 99.9% of the opposition campaign. They will say anything to protect their billion-dollar profits. 1631 is a sensible step to reduce pollution today and leave a better future for our kids, by making big oil companies pay for the pollution they create. It makes clean energy more affordable, creating over 41,000 good paying jobs here in Washington. Let's build our future on our terms.

Written by

Carrie Nyssen, American Lung Association, Vancouver; **Leonard Forsman**, President, Affiliated Tribes of Northwest Indians, Suquamish; **Ann Murphy**, President, League of Women Voters of Washington, Spokane; **Tony Lee**, Co-Chair, Asian Pacific Islander Coalition, Seattle; **Bonnie Frye Hemphill**, Solar Installers of Washington, Seattle; **Cenetra Pickens**, Registered Nurse, union member SEIU Healthcare 1199NW, Tacoma

Contact: (206) 535-6617; info@yeson1631.org; yeson1631.org

Argument against

I-1631's deeply flawed, unfair energy tax would force Washington families, small businesses and consumers to pay billions in higher costs for gasoline, electricity, heating and natural gas – while exempting the state's largest polluters, and providing little accountability for spending.

\$2.3 Billion Energy Tax, Increases Every Year

The state's analysis shows 1631 would cost consumers over \$2.3 billion in the first five years alone. Higher electricity and natural gas bills would add hundreds of millions more in consumer costs, and 1631's escalating taxes would automatically increase every year – with no cap.

Largest Polluters Exempt

1631 would exempt many of the state's largest polluters, including a coal-fired power plant, pulp and paper mills, aircraft manufacturers and other large corporate emitters. Six of the state's top 10 carbon emitters would be exempt from 1631, while consumers and small businesses would pay billions.

Gasoline, Energy Prices Increase Annually With No Cap

Independent estimates show 1631 would increase gasoline prices by up to fourteen cents more per gallon at first, increasing annually, and quadrupling within 15 years, with no cap. Families, small businesses and farmers would also pay higher costs for natural gas, heating fuel, electricity and transportation, costing households hundreds more per year, especially hurting those who could least afford it.

Lack of Accountability, No Guarantee

1631's unelected board would have broad authority to disperse billions with little accountability and no specific plan, no requirements to spend funds specifically to reduce greenhouse gases, and no guarantee of effectiveness. 1631 deserves a *no* vote.

Rebuttal of argument for

I-1631's deeply flawed approach to climate policy exempts Washington's largest polluters, imposes a permanently escalating tax on Washington families, and disproportionately burdens those who can least afford it. I-1631 has no clear guidelines for how its unelected board of political appointees would spend billions in taxpayer dollars, and no real accountability or likelihood of significantly reducing greenhouse gases. *Cliff Mass, Ph.D., atmospheric sciences expert, represents his own opinions – not those of the University of Washington.*

Written by

Dean Maxwell, Mayor of Anacortes 1993 – 2013; **Anne Lawrence**, Board Member, Washington Farm Bureau, Family Farmer, Vancouver; **Brian Sonntag**, Washington State Auditor 1993 – 2013; **Sabrina Jones**, Small Business Owner, Spokane; **Mark Riker**, Executive Secretary, Washington State Building Trades; **Cliff Mass**, Professor of Atmospheric Sciences, Seattle, Washington

Contact: (877) 539-4443; info@VoteNOon1631.com; VoteNOon1631.com

Initiative Measure No.

1634

Initiative Measure No. 1634 concerns taxation of certain items intended for human consumption.

This measure would prohibit new or increased local taxes, fees, or assessments on raw or processed foods or beverages (with exceptions), or ingredients thereof, unless effective by January 15, 2018, or generally applicable.

Should this measure be enacted into law?

Yes

No

Explanatory Statement 19
Fiscal Impact Statement 19
Arguments For and Against 20



The Secretary of State is not responsible for the content of statements or arguments (WAC 434-381-180).

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

All local taxation must be authorized by state law. Current state law gives broad taxing authority to counties, cities, and towns. The Washington Supreme Court has recognized that cities' and towns' taxing authority includes the authority to tax retailers for the privilege of conducting a specific type of retail business within the city. Counties and cities also have authority to impose sales and use taxes within certain limits that the Legislature has set. For example, local sales or use taxes can be imposed only when the state sales or use tax is also due on a sale or item.

Local governments like cities and counties have relied on this broad local taxing authority to impose taxes related to specific products. For example, in 2017 the City of Seattle adopted an ordinance imposing a privilege tax on the distribution of sweetened beverages like soda within the city limits. The City of Seattle's tax is calculated based on the volume of sweetened beverages or concentrate distributed in the city.

The State has imposed state sales and use taxes on the retail sale of most items, but food and food ingredients are generally exempt from these state taxes. Nevertheless, state sales and use taxes are imposed on prepared food, alcoholic beverages, bottled water, and soft drinks. There are also additional state taxes on alcoholic beverages, cigarettes, tobacco products, and marijuana products.

The Effect of the Proposed Measure if Approved

If adopted, Initiative 1634 would prevent local governments from imposing or collecting any new tax, fee, or other assessment on certain grocery items after January 15, 2018. This restriction would prohibit any new local tax, fee, or assessment of any kind on the manufacture, distribution, sale, possession, ownership, transfer, transportation, container, use, or consumption of certain groceries. Initiative 1634 would also prohibit any increase of existing local taxes, fees, or assessments on these grocery items after January 15, 2018.

Local governments covered by this initiative are counties, cities, and towns, as well as other municipal corporations and local taxing districts. Covered grocery items would include any raw or processed food or beverage, or any ingredient, intended for human consumption. This would include, for example, meat, produce, grains, dairy products, nonalcoholic beverages, spices, and condiments, among other things. Covered groceries do not include alcoholic beverages, marijuana products, or tobacco.

Initiative 1634 would not prevent the State from imposing new taxes on groceries. It would not prevent local governments from imposing or collecting a new tax, fee, or assessment that is generally applicable to a broad range of businesses and business activity, so long as it does not impose a higher tax rate on groceries or impose a higher tax rate based on

a classification related to groceries. Initiative 1634 would not prohibit a local tax, fee, or assessment on alcoholic beverages, marijuana products, or tobacco. Initiative 1634 would not restrict counties' and cities' existing authority to impose local sales and use taxes. Initiative 1634 would not restrict local governments' existing authority to impose other taxes on transactions involving non-grocery items.

Fiscal Impact Statement

Written by the Office of Financial Management
For more information visit www.ofm.wa.gov/ballot

FISCAL IMPACT SUMMARY

Initiative 1634 prohibits new or increased local taxes, fees or assessments on raw or processed foods, beverages or their ingredients, intended for human consumption except alcoholic beverages, marijuana products and tobacco, unless they are generally applicable and meet specified requirements. The initiative allows local government to continue to collect revenue if the ordinance was in effect by Jan.15, 2018. The revenue and expenditure impacts cannot be determined because the potential lost revenue is based on volume of product sold within the jurisdiction.

GENERAL ASSUMPTIONS

- The effective date of the initiative is Dec. 6, 2018.
- The provisions of the initiative apply to taxes, fees or other assessments on groceries applied after Jan. 15, 2018.
- Estimates use the state's fiscal year of July 1 through June 30. Fiscal year 2019 is July 1, 2018, to June 30, 2019.

REVENUE

Local revenue impacts

The initiative has an indeterminate impact on local revenue. It would prohibit imposing or collecting any new tax or fee, or making an inflationary adjustment on taxes or fees on certain grocery items after Jan. 15, 2018.

The city of Seattle enacted a sweetened beverage privilege tax prior to the effective date of the initiative. Seattle estimates the tax will generate \$23.378 million per year. Since the imposition of the tax was started before Jan. 15, 2018, the tax will remain in effect. However, the city of Seattle would not be able to adjust the tax by inflation.

State revenue impacts assumptions and description

The initiative would not have a state revenue impact because it does not apply to state taxes, fees or other assessments.

EXPENDITURES

Local government expenditures

The initiative would not have an expenditure impact on local governments because it prevents the future imposition of local taxes or fees on groceries after Jan. 15, 2018.

State government expenditures

The initiative would not have an expenditure impact on state government because it does not apply to state taxes, fees or other assessments.

Argument for

Yes on I-1634 protects working families, farmers, and local businesses.

I-1634 would ensure that our groceries – foods and beverages that we consume every day – are protected from any new or increased local tax, fee, or assessment.

Help keep groceries affordable.

The rising cost of living makes it harder for families to afford the basics. Special interest groups across the country, and here in Washington, are proposing taxes on groceries like meats, dairy and juices – basic necessities for all families. I-1634 would prevent local governments from enacting new taxes on groceries. Higher grocery prices don't hurt the wealthy elites but crush the middle class and those on fixed incomes, including the elderly.

Take a stand for fairness.

Washington has the most regressive tax system in the country and places a larger tax burden on the backs of middle and fixed-income families than the wealthy. Taxes on groceries make our current tax structure even more unfair for those struggling to make ends meet.

Bipartisan and diverse support for I-1634 from citizens, farmers, local businesses, and community organizations.

Organizations that represent Washington farmers (Washington Farm Bureau, Tree Fruit Association, State Dairy Federation), labor (Joint Council of Teamsters, International Association of Machinists, Seattle Building Trades), and business (Washington Beverage Association, Washington Food Industry Association, Washington Retail Association, Korean American Grocers Association) are united in supporting I-1634 to keep our groceries affordable.

By voting yes on I-1634, you can take a stand for affordability and fairness for Washington's working families.

Rebuttal of argument against

I-1634 prohibits new, local taxes on groceries, period. It does not prevent voters from raising taxes on anything else to meet local needs. *This is necessary to close a loophole allowing municipalities to tax groceries, even though the state does not.* That's why thousands of Washington workers, farmers, small businesses, and consumers support I-1634. It protects us from taxation of everyday foods and beverages which raises prices, costs jobs and hurts working families.

Written by

Jeff Philipps, Spokane civic leader, President of Rosauers Supermarkets; **April Clayton**, Farmer, Chelan/Douglas County Farm Bureau Vice President; **Haddia Abbas Nazer**, Yakima small businesswoman, Central Washington Hispanic Chamber President; **Carl Livingston**, Seattle community activist, lawyer, professor, and Pastor; **Heidi Piper Schultz**, Vancouver small businesswoman, Corwin Beverage Company Board President; **Larry Brown**, Auburn City Councilman, Aerospace Machinists 751 Legislative Director

Contact: (425) 214-2030; info@yestoaffordablegroceries.com; yestoaffordablegroceries.com

Argument against

Initiative 1634 takes away local control and gives it to the state

This confusing measure imposes a one-size-fits-all state law that takes power away from voters and hands it to the state, silencing our voice in local decision-making. Different communities have unique needs and local voters deserve a say in how revenue decisions are made. This initiative is a slippery slope toward greater state control at the expense of our cities, towns, and local communities.

Corporate special interests are spending millions to strip away voter choices and protect profits

I-1634 has nothing to do with keeping our food affordable. In fact, tax prohibitions on everyday food items – from fruits and vegetables to milk and bread—are already reflected in voter approved state law. Instead, this measure is funded almost exclusively by the multi-billion-dollar soda industry. They are only concerned with their profits and are spending millions on this initiative—and misleading advertisements—that would undermine local control.

Reject Initiative 1634 to prevent future erosion of local powers by special interests

I-1634 sets a dangerous precedent -- any special interest could spend millions on a misleading initiative to limit our rights as voters and our local autonomy. Voting *no* sends a clear message that we value local control and will not be fooled by the political agenda of wealthy industries or outside groups.

Rebuttal of argument for

State law already precludes taxes on groceries. Initiative 1634 is funded by the soda industry to take away local choices from our cities and towns. This confusing measure reduces local options while increasing state control at a time when we are struggling to fund important community programs. Stand with doctors, teachers and community advocates in saying no to this blatant corporate power grab.

Written by

Mary Ann Bauman, MD, American Heart Association; **Kate Burke**, Spokane City Council; **Jill Mangaliman**, Got Green; **Jim Krieger**, MD, MPH Healthy Food America; **Val Thomas-Matson**, Healthy King County Coalition; **Carolyn Conner**, Nutrition First

Contact: (360) 878-2543; vic@wahealthykidscoalition.org; www.wahealthykidscoalition.org

Initiative Measure No.

1639

Initiative Measure No. 1639 concerns firearms.

This measure would require increased background checks, training, age limitations, and waiting periods for sales or delivery of semiautomatic assault rifles; criminalize noncompliant storage upon unauthorized use; allow fees; and enact other provisions.

Should this measure be enacted into law?

Yes

No

Explanatory Statement	. 22
Fiscal Impact Statement	. 24
Arguments For and Against	. 26



The Secretary of State is not responsible for the content of statements or arguments (WAC 434-381-180).

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

Washington law requires background checks for the sale or transfer of firearms, with exceptions. This background check requirement applies to sales and transfers of firearms through firearms dealers, at gun shows, online, and between unlicensed private individuals. This requirement applies to most sales of firearms, as well as gifts or loans of firearms. The background check includes checking with federal and state agencies for criminal convictions, pending criminal charges or warrants, and certain mental health records.

A sale or transfer of a firearm cannot take place if the background check shows that the buyer or recipient is legally ineligible to possess it. The sale or transfer of a firearm may be completed if the result of a background check is not received within 10 business days. That 10 day period is extended to 60 days if the buyer or recipient does not have a valid permanent Washington driver's license or state identification card, or has not lived in Washington for at least 90 days. It is a felony to deliver a firearm to any person reasonably believed to be prohibited from owning or possessing a firearm.

The delivery of a pistol may be restricted based on an outstanding warrant for a buyer's arrest or certain other charges or proceedings that might be pending against the buyer. Certain recordkeeping requirements apply to the sale of a pistol that do not apply to other types of firearms. A licensed firearm dealer must report to the state the buyer's name, address, and other information. The state maintains records of the sales of pistols. The state does not maintain records of other transfers or a registry of firearms. State law requires that an application for the purchase of a pistol contain a warning about the possibility of criminal prosecution for the illegal possession of firearms, and that state and federal laws regarding possession of firearms differ.

State law makes it illegal to possess some kinds of firearms. These include machine guns, short-barreled shotguns, and short-barreled rifles. Machine guns include firearms that do not require a separate trigger pull for each shot, and can store ammunition in a separable device such as a clip that can fire at the rate of five or more shots per second. There are exceptions to this prohibition.

State law prohibits certain people from possessing firearms. A person convicted of certain crimes or found not guilty by reason of insanity is ineligible to possess a firearm. The entry of a civil commitment order based on mental health also makes a person ineligible to possess a firearm.

The entry of restraining orders for harassing, stalking, or threatening an intimate partner or child may make a person ineligible to possess a firearm under some circumstances. Firearm rights can be restored under some circumstances.

People between the ages of 18 and 21 are generally allowed to possess a pistol only in their residence, their place of business, or property under their control. A person under age 18 is generally prohibited from possessing a firearm. State law allows a person under age 18 to possess a firearm only under limited circumstances. These exceptions include, among others: while attending a firearms safety course, while practicing or target shooting at an approved range, while competing in an organized competition, while hunting with a valid hunting license, or in certain instances with parental permission.

Residents of other states may purchase rifles and shotguns in Washington if they are eligible to possess such weapons under federal law and the laws of both Washington and the state in which they reside. Nonresidents are subject to the same background check requirements that apply to Washington residents.

State law does not currently require firearms safety training to possess a firearm. Hunter safety training may be required to obtain a hunting license. State law does not specifically regulate firearms storage.

The Effect of the Proposed Measure if Approved

This measure would change state laws regarding firearms. Some of these changes would relate only to semiautomatic assault rifles, as defined. Other changes would apply to other types of firearms as well.

The initiative defines a "semiautomatic assault rifle" to mean:

any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

The initiative defines semiautomatic assault rifles not to include antique firearms, permanently inoperable firearms, or any firearm that is manually operated by bolt, pump, lever, or slide action.

This initiative would add new requirements for the purchase of a semiautomatic assault rifle. Buyers would be required to provide proof that they have completed a recognized firearm safety training program within the past five years. That training program must include instruction on:

- Basic firearms safety rules;
- Firearms and children, including secure gun storage and talking to children about gun safety;

- Firearms and suicide prevention;
- Secure gun storage to prevent unauthorized access and use;
- Safe handling of firearms; and
- State and federal firearms laws, including prohibited firearms transfers.

This initiative would make it illegal for a person under 21 years of age to buy a pistol or semiautomatic assault rifle. It would make it illegal for any person to sell or transfer a semiautomatic assault rifle to a person under age 21. The initiative would prohibit a person between the ages of 18 and 21 from possessing a semiautomatic assault rifle except in the person's residence, fixed place of business, on real property under his or her control, or for other specified purposes.

The initiative would require a dealer to wait at least 10 days before delivering a semiautomatic assault rifle to a buyer. It would also prohibit anyone who is not a resident of Washington from buying a semiautomatic assault rifle in Washington.

The initiative would change some laws that currently apply only to pistols and apply them to both pistols and semiautomatic assault rifles. These include restrictions on delivery when a buyer has an outstanding warrant for his or her arrest. This would also be true for situations in which certain charges or proceedings are pending. Background check and record keeping requirements that currently apply only to the purchase of pistols would also apply to the purchase of semiautomatic assault rifles. The same requirements for collecting and maintaining information on purchases of pistols would apply to purchases of semiautomatic assault rifles.

The initiative would require a new warning on application forms for the purchase of a pistol or semiautomatic assault rifle. This new warning would read:

CAUTION: The presence of a firearm in the home has been associated with an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The initiative would allow the state to impose a fee of up to \$25 on each purchaser of a semiautomatic assault rifle. This fee would be used to offset certain costs of implementing the initiative. The fee would be adjusted for inflation.

The initiative would create new criminal offenses for the unsafe storage of a firearm if a person who cannot legally possess a firearm gets it and uses it in specified ways. These crimes would apply to a person who stores or leaves a firearm in a place where the person knows, or reasonably should know, that a prohibited person may gain access to

the firearm. Failure to securely store a firearm would only be a crime if certain other events happen. A person who fails to securely store a firearm would be guilty of a felony if a person who is legally ineligible to possess a firearm uses it to cause personal injury or death. A person who fails to securely store a firearm would be guilty of a gross misdemeanor if a person who is legally ineligible to possess a firearm discharges it, uses it in a way that shows intent to intimidate someone or that warrants alarm for the safety of others, or uses the firearm in the commission of a crime.

The initiative would not mandate how or where a firearm must be stored. But it would provide that the crimes regarding unsecure storage would sometimes not apply. Those crimes would not apply if the firearm was in secure gun storage, meaning a locked box, gun safe, or other locked storage space that is designed to prevent unauthorized use or discharge of a firearm. The crimes also would not apply if the firearm was secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm. The crimes would not apply if the person who gets the firearm is ineligible to possess it because of age but the access is with parental permission and under adult supervision. The crimes would not apply in cases of self-defense. Finally, the crimes would not apply if the person who is ineligible to possess a firearm obtains it through unlawful entry, if the unauthorized access or theft is reported to law enforcement within five days of the time the victim knew or should have known that the firearm had been taken.

The initiative would require every firearm dealer to offer to sell or give the purchaser or transferee of any firearm a secure gun storage device or trigger lock. It would also require every store, shop, or sales outlet where firearms are sold to post a warning sign advising buyers that they may face criminal prosecution if they store or leave an unsecured firearm where a person prohibited from possessing the firearm can get it. A similar written warning must be delivered to firearm buyers and transferees. Violation of these requirements would be a civil infraction.

Finally, the initiative would require the development of a cost-effective and efficient process to verify that people who have acquired pistols or semiautomatic assault rifles remain eligible to possess a firearm under state and federal law. This process would provide for notice to local chiefs of police and sheriffs to take steps to ensure that persons legally ineligible to possess firearms are not illegally in possession of firearms.

Fiscal Impact Statement

Written by the Office of Financial Management
For more information visit www.ofm.wa.gov/ballot

FISCAL IMPACT SUMMARY

Initiative 1639 changes state laws regarding firearms. It allows the state to collect a fee up to \$25 for certain rifle sales and transfers; however, the number of these rifle sales and transfers isn't available. The initiative creates new criminal offenses for unsafe storage of a firearm. The state and local costs related to these criminal offenses cannot be determined as there is no data to estimate the number of cases filed or persons convicted each year. The cost for the annual verification cannot be determined as the process has not been developed. Therefore, the fiscal impacts cannot be determined.

General Assumptions

- The effective date of the initiative is July 1, 2019, except Section 13, which takes effect Jan. 1, 2019.
- The provisions of the initiative apply prospectively, not retroactively.
- No data is available on the number of semiautomatic rifles bought or transferred each year in Washington. Federal law prohibits the tracking of gun purchases (U.S.C. Title 18, Part 1, Chapter 44, Sec. 926).
- Fiscal estimates use the state's fiscal year of July 1 through June 30. Fiscal year 2019 is July 1, 2018, to June 30, 2019.

REVENUE

State Revenue

The Department of Licensing (DOL) would be authorized to charge a fee of up to \$25 for each semiautomatic assault rifle (SAR) sale or transfer. (The initiative includes a new definition for SAR.) The fee would be adjusted for inflation. The initiative specifies the distribution of this revenue to state agencies and local law enforcement agencies for record keeping and other related costs they incur. Because data is not available to provide an estimate on the number of SARs purchased, no estimate of state revenue is available. However, the state does have data on the number of background checks conducted for concealed pistol licenses (CPLs) and sales of handguns and long guns (which would include SARs and other long guns). An average of 560,000 such background checks were conducted each year between 2013 and 2017.

Washington state law also requires mental health background checks for all CPLs and handgun sales, but not long gun sales. An average of 300,000 mental health

background checks were conducted each year between 2013 and 2017.

Subtracting the number of mental health background checks for CPLs and handguns from the number of criminal checks for CPLs, hand guns and long guns yields an average estimate of 260,000 long gun criminal checks per year. The state does not have data to determine what percentage of the total long gun checks would meet the definition of SAR under the initiative.

EXPENDITURES

State Government Expenditures

Annual verification of eligibility to possess a firearm

The initiative would allow, but would not require, DOL, Washington State Patrol and other state and local law enforcement agencies to form a temporary group to advise on how to set up an efficient, cost-effective process for annual verification of eligibility to possess a firearm. Whether such a group is formed, and what expenses it may incur, are unknown and indeterminate. However, DOL has conducted similar work group activities that cost \$15,000.

The initiative does not define the verification process, and DOL has not yet identified a likely option or set of options for annual verifications. Therefore potential costs to state and local governments are indeterminate.

Mental health background checks

The initiative would require mental health background checks for someone to purchase a SAR. Although data is not available to estimate the number of additional mental health background checks that would need to be performed, more work is likely for the Health Care Authority. One or more additional background check specialists could be hired at an annual cost of \$83,000 each.

Unsafe storage of a firearm crime

The initiative would create a new class C felony of Community Endangerment Due to Unsafe Storage of a Firearm in the First Degree. It would be punishable by 0–12 months in county jail (see local expenditure impacts). The number of potential prosecutions and convictions of this new crime is unknown.

If an aggravated exceptional sentence were imposed, a sentence exceeding 12 months would result and be served at a state prison. The average cost of a state prison bed is \$101 per day.

There would be an indeterminate fiscal impact due to additional filings or trial court proceedings to the Administrative Office of the Courts as a result of any new misdemeanor and/or felony charges.

Dealers registered with DOL would be required to post

warning signs and provide a written warning to a purchaser about secure gun storage. DOL would incur minimal costs to print and mail the warning signs to dealers.

Record keeping

The initiative would require the Department of Licensing to keep records of CPL and SAR applications and transfers. The department already tracks CPL applications and transfers. The addition of SARs to record keeping, as required by the initiative, would increase the data input workload to its firearms database. (While online submission is available, DOL receives 60 percent of applications by mail, in paper form, from dealers and private gun sales.) The department would also incur costs to update forms and upgrade computer systems to add SAR records to its firearms database. DOL would experience rule-making, information services and administrative costs to implement this initiative. One-time costs would be at least \$1.1 million and \$500,000 annually thereafter. Additional staffing costs could be incurred, depending on the number of SAR records the agency processes.

Local Government Expenditures

Annual verification of eligibility to possess a firearm

If a person is found ineligible to possess a pistol or SAR, the Department of Licensing is required to notify a chief of police or sheriff, who then takes steps to ensure that the person does not illegally possess one. Associated costs are indeterminate.

Unsafe storage of a firearm crime

The initiative would create a new class C felony (Community Endangerment Due to Unsafe Storage of a Firearm in the First Degree). As an unranked Class C felony offense, it is punishable by a standard range term of confinement of 0–12 months in jail.

It also would create a new gross misdemeanor (Community Endangerment Due to Unsafe Storage of a Firearm in the Second Degree). As a gross misdemeanor offense, it is punishable by a standard range term of confinement of 0–364 days in jail.

Average costs to prosecute and defend a comparable felony are \$2,260 and, for a comparable misdemeanor, approximately \$1,700.

Sentences of less than one year in length are typically served in county jails. The average cost of a county jail bed is \$106 per day.

According to local governments, it is unknown how many people may be charged, tried or convicted. Costs are indeterminate for city and county law enforcement agencies, prosecutors, indigent defense attorneys and county jails.

**view ballot
status**

myvote.wa.gov

MyVote

Argument for

Yes on I-1639: For Safer Schools and Communities

Five of the last six school shooters used an assault weapon; 80% of school shooters obtained guns from their own home or that of a relative or friend. Over 187,000 students have experienced school gun violence since 1999. Deadly shootings, including Parkland, Las Vegas, Orlando, and even Mukilteo, involved assault weapons. Enough is enough. We need to get serious about keeping firearms, especially assault weapons, out of the wrong hands.

Assault Weapons are Made to Kill

Assault weapons are not designed for hunting or protecting families from danger; they are military-grade weapons designed to kill large numbers of people. These weapons belong in the hands of trained experts, not people who might harm others.

Commonsense Reforms

In the U.S. military, soldiers are not allowed to handle firearms without training. Yet, anyone in Washington can buy military-grade weapons without training or additional screening. This measure prevents anyone under the age of 21 from purchasing a semi-automatic assault rifle. It requires additional background checks and mandatory training so people who buy these weapons use them safely. I-1639 requires securing these and other deadly weapons, reducing how easily kids and prohibited users can access them.

We Must Act to Reduce Gun Violence

No law will stop every person intent on committing violence, but we must do something. Reducing access to assault weapons and ensuring those who do own assault weapons have safety training is a commonsense reform we urgently need.

Rebuttal of argument against

The gun lobby has a long track record of trying to convince Washingtonians there's nothing we can do to stop the plague of gun violence. They are wrong. This common sense measure requires the same standards for purchasing semi-automatic assault rifles that are already required for handguns. It will not affect law-abiding, responsible gun owners, rather, it will establish common sense safeguards to help prevent dangerous, unlawful access to firearms.

Written by

Paul Kramer, Survivor, Mukilteo shooting; **Ola Jackson**, Student, Rainier Beach High School; **Chris Reykdal**, Washington Superintendent of Public Instruction; **Regina Malveaux**, Member, Washington State Women's Commission, CEO YWCA Spokane; **Mitzi Johanknecht**, King County Sheriff; **Matt Vadnal**, Mill Creek resident, Colonel United States Army Reserve

Contact: (206) 718-3529; info@yeson1639.org; yeson1639.org

Argument against

I-1639 Removes Rights from Law-Abiding Adults

Washington's law-abiding adults aged 18-20 are responsible enough to vote, purchase a home, and serve in our military. Yet I-1639's proponents want you to believe these same adults cannot be trusted to defend themselves or their families and are attempting to use the crimes of a few as a justification to curtail the rights of hundreds of thousands of Washingtonians.

I-1639 Makes Firearms Unavailable for Self-Defense

I-1639 would require gun owners to lock up their firearms or face criminal charges. This strict mandate renders firearms useless in self-defense situations by requiring them to be locked up. The United States Supreme Court invalidated a similar law as a violation of the Second Amendment, but I-1639's proponents are nonetheless seeking to create this unconstitutional requirement in Washington.

I-1639's Misguided Approach Will Not Impact Crime

Handguns- not rifles- are used in the majority of crimes committed with a firearm in Washington. Targeting rifle ownership will only restrict law-abiding adults from accessing them for self-defense, home protection, and hunting.

I-1639 is Another Extreme Seattle Agenda that Fails to Improve Safety

I-1639 is bankrolled by a handful of Seattle billionaires that are more concerned with pushing failed California-style gun control than finding real solutions to make our schools and communities safe. This 33-page initiative requires firearm registration, waiting periods, mandatory government training, firearm storage requirements, purchase tax, and more- none of which will stop criminals or protect our Washington schools.

Rebuttal of argument for

I-1639 is not about "assault weapons". I-1639 targets *all* semi-automatic rifles, *including hunting rifles and target shooting rifles*. These are not fully automatic military grade weapons- these are commonly owned rifles used for self-defense, home protection and hunting. I-1639 places Washingtonians at risk by restricting access to firearms for lawful self-defense, while doing *nothing* to increase security in schools or target violent criminals. Don't let I-1639 leave Washingtonians defenseless. Vote No.

Written by

Brad Klippert, Deputy Sheriff, State Representative, Public Safety Committee; **Jane Milhans**, Home Invasion Survivor, Women's Self-Defense Trainer; **Keely Hopkins**, State Director, National Rifle Association; **Alan Gottlieb**, Founder, Second Amendment Foundation; **Robin Ball**, "Refuse to Be a Victim" Instructor, Spokane Region; **Brian Blake**, State Representative, Democrat, 19th Legislative District

Contact: www.VoteNo1639.org

Initiative Measure No.

940

Initiative Measure No. 940 concerns law enforcement.

This measure would require law enforcement to receive violence de-escalation, mental-health, and first-aid training, and provide first-aid; and change standards for use of deadly force, adding a "good faith" standard and independent investigation.

Should this measure be enacted into law?

Yes

No

Explanatory Statement 28
Fiscal Impact Statement 29
Arguments For and Against 31



The Secretary of State is not responsible for the content of statements or arguments (WAC 434-381-180).

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

State law sets forth when peace officers may use deadly force in carrying out their duties. Peace officers include active police officers, Washington State Patrol officers, and Department of Fish and Wildlife officers with enforcement powers. Under existing law, a peace officer is not criminally liable for using deadly force if the officer acts without malice and with a good faith belief that deadly force is justifiable. The law recognizes certain circumstances where deadly force could be justifiable. For example, it might be justifiable if the force is necessary to overcome resistance. In addition, it might be justifiable if the peace officer believes deadly force is necessary to arrest a suspect who the officer reasonably believes has committed a felony; to prevent escape or recapture an escapee from prison or jail; or to suppress a riot involving a deadly weapon. In the situation where a peace officer uses deadly force to arrest a suspect who may have committed a felony, the officer must have probable cause to believe the suspect poses a threat of serious physical harm if not arrested. Evidence that the suspect poses such a threat could include that the suspect has threatened an officer with a weapon, or that there is probable cause to believe the suspect has committed a crime involving threatened or actual serious physical harm. In such cases, deadly force may also be used if necessary to prevent the suspect's escape after a warning has been issued, if possible.

State law also provides for establishment of a Criminal Justice Training Commission (the Commission) to provide programs and set standards for training law enforcement personnel. Every new full-time law enforcement officer must take eight hours of crisis intervention training during their six months at the basic training academy, but there is no requirement that the Commission provide or that officers take any training specifically dealing with violence de-escalation. And while the Commission must develop and make mental health trainings available to law enforcement officers, state law does not require that officers take these trainings.

Existing state law does not contain any provision regarding a law enforcement officer's duty to render or facilitate first aid.

The Effect of the Proposed Measure if Approved

This measure addresses three aspects of law enforcement. First, it addresses when law enforcement officers may use deadly force. Second, it requires de-escalation and mental health training for officers. Third, it requires officers to provide first aid in certain circumstances.

In general, the new measure applies to "law enforcement officers," which includes "law enforcement personnel" and "peace officers." So, like existing law, it applies to active police officers, Washington State Patrol officers, and Department of Fish and Wildlife officers with enforcement powers. But it also applies to reserve officers and volunteers, or any other public employees whose primary function is enforcement of criminal laws.

The measure would change the standard for when a law enforcement officer may justifiably use deadly force. It would adopt a "good faith" standard that permits a law enforcement officer to use deadly force only if: (1) a reasonable law enforcement officer, in light of all the facts and circumstances known to the officer at the time, would have believed that deadly force was necessary to prevent death or serious physical harm to the officer or another person; and (2) the particular officer intended to use deadly force for a lawful purpose and sincerely and in good faith believed that the use of deadly force was warranted under the circumstances. In other words, to determine if the officer acted in "good faith," the new law would examine not only what a particular officer's intentions were, but also what a reasonable officer would have done under the circumstances. The "good faith" test would apply in the specific situations listed under existing law as justifiable uses of deadly force (such as to prevent escape from a prison), but also would determine whether an officer's use of deadly force is justifiable in any other potential situation that might arise. An officer who uses deadly force would not be criminally liable only if he or she meets the good faith test.

To help determine whether the good faith test is met, the measure would require an independent investigation any time an officer's use of deadly force results in death or substantial or great bodily harm. The investigation would be done by someone other than the agency whose officer was involved in the use of deadly force. If deadly force is used on a tribal member, the investigation must include consultation with the member's tribe and any appropriate information sharing.

The second change is that beginning in 2019, the measure would require all law enforcement officers in the state to take violence de-escalation and mental health trainings developed by the Criminal Justice Training Commission. All existing law enforcement officers would be required to take both trainings by a date to be set by the Commission, and all new officers would need to take both trainings within fifteen months of starting employment. The initial violence de-escalation training must educate officers on the good faith standard for use of deadly force. In addition to the initial trainings, all law enforcement officers would be required to periodically take continuing violence de-escalation and mental health trainings to practice their

skills, update their knowledge and training, and learn about new legal requirements.

The Commission would be required to consult with law enforcement agencies and community stakeholders to come up with a curriculum for the violence de-escalation and mental health trainings, and to set specific training requirements—for example, how many hours the trainings will be and how officers will receive the trainings. In addition, the Commission would set a requirement that officers take the trainings to maintain their certification. The Commission would be required to consider a number of specific subjects to include in the curriculum, including: patrol tactics to avoid escalating situations that lead to violence; alternatives to jail booking, arrests, or citations; implicit and explicit bias, cultural competency, and the historical intersection of race and policing; de-escalation techniques for dealing with people with disabilities and/or behavioral health issues; “shoot/don’t shoot” scenario training; alternatives to the use of physical or deadly force so that such force is only used as a last resort; mental health and policing; and using public service, including rendering first aid, to provide more opportunities for positive interactions with the community. For the mental health trainings, the Commission would be allowed to use the existing curriculum it currently offers on mental health and crisis intervention.

The third change is that the measure would require law enforcement personnel to provide first-aid to save lives, and require the Commission to consult with law enforcement agencies to adopt guidelines for implementing this duty. The guidelines must establish first aid training requirements; assist agencies and law enforcement officers in balancing competing public health and safety duties; and establish that law enforcement officers have a paramount duty to preserve the life of persons they come into contact with, including providing or facilitating first aid as early as possible.

The Commission may adopt any rules required to carry out the objectives of the measure, and if it does adopt rules it must seek input from the Attorney General, law enforcement agencies, tribes, and community stakeholders.

Fiscal Impact Statement

Written by the Office of Financial Management
For more information visit www.ofm.wa.gov/ballot

FISCAL IMPACT

Initiative 940 requires all law enforcement officers in the state to receive violence de-escalation and mental health training, as developed by the Criminal Justice Training Commission. There will be costs for the state to develop the training and costs for state and local government certified peace officers to take the training. The fiscal impacts cannot be determined because the training has not been developed at this time.

GENERAL ASSUMPTIONS

- The effective date of the initiative is Dec. 6, 2018.
- The provisions of the initiative apply prospectively, not retroactively.
- Estimates use the state’s fiscal year of July 1 through June 30. Fiscal year 2019 is July 1, 2018, to June 30, 2019.

REVENUE

State revenue impacts

This initiative will have an indeterminate state revenue impact. While the entity providing the training may charge a reasonable fee, the initiative does not specify whether local governments or the state should pay for the training. Although the Criminal Justice Training Commission may charge a fee if it provides the training, the fee has not been determined.

Local revenue impacts

Local governments may charge a fee for providing the training, which cannot be estimated at this time.

EXPENDITURES

State government expenditures

The initiative would have an indeterminate state expenditure impact. The Criminal Justice Training Commission would consult with law enforcement agencies and community stakeholders to adopt rules for carrying out the initiative’s training requirements. The Commission estimates each law enforcement officer would require at least 40 hours of additional training to meet the requirements. The stakeholder advisory group may recommend more hours of training, but for the purposes of this analysis, 40 hours of initial training and two hours of refresher training each year thereafter are assumed. According to the Washington Association of Sheriffs and Police Chiefs’ publication 2017 Full Time Law Enforcement Employees Data, the Commission may have to train more than 10,000 law enforcement officers. This number includes state and local certified peace officers, but excludes tribal police officers.

The initiative allows the Commission, private parties or law enforcement agencies to provide training. The cost of the training is indeterminate because it is unknown who would provide the training; however, the expenditure impacts above assume the Commission would provide the initial training and refresher training spread out over multiple years to all current certified peace officers.

To meet training requirements, the Commission would need to hire a curriculum developer for the initial training and the refresher training. It would also require a program manager, administrative support staff, special skills instructors, firearm simulators, facility costs and other equipment. Ongoing annual costs for the initial training and the two-hour refresher training would be the same as the first year, but would include online training. The Commission assumes providing initial training to more than 1,300 officers a year. The Commission estimates the first-year costs at \$1.26 million and ongoing annual costs at \$900,000.

Costs for taking training

The initiative would have an indeterminate state expenditure impact for those agencies with state certified peace officers taking the training. However, if the Commission were to require an additional 40 hours of training for each state certified peace officer, the expenditure amount could be \$2 million. Annual impacts for the two-hour refresher training could impact state agencies that employ commissioned certified peace officers, up to \$107,000. The expenditure impacts are based on the following assumptions:

- The costs above reflect the backfill or pay overtime to officers who attend training; they don't account for the actual cost of training.
- The state employed 1,585 certified peace officers in 2017.
- The average hourly salary for certified peace officers is \$33.61.
- The subsequent fiscal year assumptions don't include training costs for new hires because it is unknown how many state certified peace officers will be hired by the affected state agencies and when they may start training.

All certified peace officers, as required in the Washington Administrative Code 139-05-300, must receive continuing education and training that includes crisis intervention training. The current training may partially meet the Commission's requirements, which could reduce the expenditure impacts to local governments. If the Commission requires an extra 40 hours of training, annual costs for state and local law enforcement could be \$900,000 a fiscal year, as reflected in the state expenditure impact for the Commission.

Local government expenditures

The initiative would have an indeterminate local expenditure impact. If, for example, the Commission were to require an additional 40 hours of training for each certified peace officer, the cost for training could have an expenditure impact of more than \$12 million. Refresher training, as required by the Commission, may take two hours and could cost local governments \$605,000 per year. This expenditure impact assumes all certified peace officers would be trained in one year. Depending on who conducts the training and how long it takes to complete the training, the \$12 million could be spread over multiple years.

The local government expenditure impact is also based on the following:

- The cost assumptions above reflect the backfill or overtime pay to officers who attend training; they don't account for the cost of training.
- Local police departments employed more than 9,000 certified peace officers in 2017.
- The average hourly salary for certified peace officers is \$33.61.
- The subsequent fiscal year assumptions don't include training costs for any new hires because it is unknown how many peace officers would be hired by local law enforcement agencies and when they may start training.

All certified peace officers, as required in the Washington Administrative Code 139-05-300, must receive continuing education and training that includes crisis intervention training. The current training may partially meet the Commission's requirements, which could reduce the expenditure impacts to local governments. If the Commission conducts the estimated 40 hours of initial and the two-hour refresher training, the annual costs for training could be \$900,000 a fiscal year. These costs are already reflected in the Commission's expenditure impact above.

Argument for

Washington ranks fifth in the nation in number of deaths from police use of force. The loss of life is devastating for families and officers. Our state law makes it virtually impossible to prosecute an officer. I-940 creates a fair process to determine if an officer acted reasonably, uses a good faith standard in place in twenty-seven states, and requires independent investigations so police do not investigate themselves, which will build trust.

I-940 will save lives.

940 mandates de-escalation and mental health training and requires first aid at the scene. This is common sense. The focus on prevention will help save lives.

I-940 protects people experiencing mental health crises.

Up to a third of those killed by police in Washington State have signs of mental illness. I-940 improves mental health training so officers can handle difficult situations and keep people with mental illness safe.

I-940 acknowledges the tensions driven by racial and economic differences.

People with disabilities, people of color, youth, Native Americans, LGBTQ+, and people in poverty are sometimes misunderstood in a crisis. I-940 provides modern training to help officers communicate with people from all walks of life, to better understand the people they serve, making everyone safer.

I-940 is supported by both community organizations and law enforcement leaders.

The training in I-940 is effective in police departments across the country, and is why local law enforcement leaders as well as OneAmerica, Children's Alliance, Equal Rights Washington, Moms Rising, ACLU, and the League of Women Voters support I-940.

Rebuttal of argument against

Since 1986, state law has shielded officers who unnecessarily kill people by requiring proof of "malice," or evil intent, a subjective standard virtually impossible to prove. Washington is the only state with this standard. Since 2005, police have killed over 300 Washingtonians, up to a third showing signs of mental illness. Only one officer was charged, and acquitted. Washington's families deserve an objective standard, independent investigations, and better training—improvements that will increase community safety.

Written by

Lisa Earl, mother of Jackie Salyers, Puyallup Tribe member; **Katrina Johnson**, cousin of Charleena Lyles; **Mitzi Johanknecht**, King County Sheriff; **Larry Sanchez**, Retired Grant County Deputy Sheriff; **Lauren Simonds**, Washington National Alliance on Mental Illness; **Mark Stroh**, Executive Director Disability Rights Washington

Contact: (360) 453-7898; info@de-escalatewa.org;
<https://www.deescalatewa.org/>

Argument against

Public Safety Opposes I-940

Vote no

I-940 is a complex proposal that will create confusion and could compromise public safety.

Washington's first responders fundamentally believe that portions of I-940 are bad public policy, costly to implement, fail to provide funding or resources to improve training, will erode public safety, and will not reduce violent interactions between members of the public and law enforcement. I-940 pits the public against law enforcement. I-940 divides rather than unites.

Washington's peace officers are well trained and sensitive to the needs of the community. During the 2018 Legislative session an historic collaboration between the authors and supporters of I-940 and law enforcement resulted in a comprehensive effort to review and reform some areas addressed in the initiative. A continuation of that effort needs to occur.

Initiative 940, as written, would force police officers to hesitate in performing their responsibilities putting the public and officers' lives at risk. Please vote no on I-940 now and allow the 2019 Legislature to pass the comprehensive changes that address every component of the necessary reforms. These reforms must include adequate financial funding, community input, and legislative review to insure all concerns are fully addressed. I-940 falls far short in achieving these goals.

Please join *all* law enforcement in voting "no" on I-940.

Rebuttal of argument for

Law enforcement is unified in its belief that I-940 is bad public policy that will be costly to implement, will fail to provide funding or resources to improve training, will erode public safety, and will not reduce violent interactions between the public and law enforcement. I-940 divides more than it unites. For these reasons, law enforcement stands in opposition to I-940. We ask you to join us and *vote no*.

Written by

Mike Solan, Council of Metropolitan Police and Sheriffs; **Teresa Taylor**, Washington Council of Police & Sheriffs; **James Schrimpsheer**, Washington Fraternal Order of Police; **Jeff Merrill**, Washington State Patrol Troopers Association; **Mike Padden**, State Senator (R), Spokane Valley

Contact: 206-247-8889;
<http://coalitionforasaferwashington.com/>

ADVISORY VOTES

What's an advisory vote?

Advisory votes are non-binding. The results will **not** change the law.

Repeal or maintain?

You are advising the Legislature to repeal or maintain a tax increase.

Repeal - you *don't favor* the tax increase.

Maintain - you *favor* the tax increase.

Want more info?

Contact your legislator. Their contact information is on the following pages.

View the complete text of the bill at www.vote.wa.gov/completetext.

View additional cost information at www.ofm.wa.gov/ballot.



Advisory votes are the result of Initiative 960, approved by voters in 2007.

Advisory Vote No.

19

Engrossed Second Substitute Senate Bill 6269

The legislature expanded, without a vote of the people, the oil spill response and administration taxes to crude oil or petroleum products received by pipeline, costing \$13,000,000 over ten years for government spending.

This tax increase should be:

- Repealed
- Maintained

Ten-Year Projection

Provided by the Office of Financial Management
For more information visit www.ofm.wa.gov/ballot

Engrossed Second Substitute Senate Bill 6269 (E2SSB 6269)			
Fiscal Year	Oil Spill Administration Tax	Oil Spill Response Tax	Total
2018	\$ 224,000	\$ 56,000	\$ 280,000
2019	1,344,000	28,000	\$ 1,372,000
2020	1,344,000		\$ 1,344,000
2021	1,344,000		\$ 1,344,000
2022	1,344,000	308,000	\$ 1,652,000
2023	1,344,000	336,000	\$ 1,680,000
2024	1,344,000	28,000	\$ 1,372,000
2025	1,344,000		\$ 1,344,000
2026	1,344,000		\$ 1,344,000
2027	1,344,000	308,000	\$ 1,652,000
Total:	\$ 12,320,000	\$ 1,064,000	\$ 13,384,000

Final Votes Cast by the Legislature

Senate: Yeas, 42; Nays, 7; Absent, 0; Excused, 0

House: Yeas, 62; Nays, 35; Absent, 0; Excused, 1

Final Votes Cast by Each Legislator

District 1

Sen. Guy Palumbo

(D, Snohomish), (360) 786-7600
guy.palumbo@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Derek Stanford

(D, Bothell), (360) 786-7928
derek.stanford@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Shelley Kloba

(D, Kirkland), (360) 786-7900
shelley.kloba@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 2

Sen. Randi Becker

(R, Eatonville), (360) 786-7602
randi.becker@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Andrew Barkis

(R, Olympia), (360) 786-7824
andrew.barkis@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. J.T. Wilcox

(R, Yelm), (360) 786-7912
jt.wilcox@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 3

Sen. Andy Billig

(D, Spokane), (360) 786-7604
andy.billig@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Marcus Riccelli

(D, Spokane), (360) 786-7888
marcus.riccelli@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Timm Ormsby

(D, Spokane), (360) 786-7946
timm.ormsby@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 4

Sen. Mike Padden

(R, Spokane Valley), (360) 786-7606
mike.padden@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Matt Shea

(R, Spokane Valley), (360) 786-7984
matt.shea@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Bob McCaslin

(R, Spokane Valley), (360) 786-7820
bob.mccaslin@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 5

Sen. Mark Mullet

(D, Issaquah), (360) 786-7608
mark.mullet@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Jay Rodne

(R, Snoqualmie), (360) 786-7852
jay.rodne@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Paul Graves

(R, Fall City), (360) 786-7876
paul.graves@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 6

Sen. Michael Baumgartner

(R, Spokane), (360) 786-7610
michael.baumgartner@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mike Volz

(R, Spokane), (360) 786-7922
mike.volz@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Jeff Holy

(R, Cheney), (360) 786-7962
jeff.holy@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 7

Sen. Shelly Short

(R, Addy), (360) 786-7612
shelly.short@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Jacquelin Maycumber

(R, Republic), (360) 786-7908
jacquelin.maycumber@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Joel Kretz

(R, Wauconda), (360) 786-7988
joel.kretz@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 8

Sen. Sharon Brown

(R, Kennewick), (360) 786-7614
sharon.brown@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Brad Klippert

(R, Kennewick), (360) 786-7882
brad.klippert@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Larry Haler

(R, Richland), (360) 786-7986
larry.haler@leg.wa.gov
E2SSB 6269 (AV19): Nay



Initiative 960, approved by voters in 2007, requires a list of every Legislator, their party preference, hometown, contact information, and how they voted on each bill resulting in an Advisory Vote.

District 9

Sen. Mark Schoesler

(R, Ritzville), (360) 786-7620
mark.schoesler@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Mary Dye

(R, Pomeroy), (360) 786-7942
mary.dye@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Joe Schmick

(R, Colfax), (360) 786-7844
joe.schmick@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 10

Sen. Barbara Bailey

(R, Oak Harbor), (360) 786-7618
barbara.bailey@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Norma Smith

(R, Clinton), (360) 786-7884
norma.smith@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Dave Hayes

(R, Camano Island), (360) 786-7914
dave.hayes@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 11

Sen. Bob Hasegawa

(D, Seattle), (360) 786-7616
bob.hasegawa@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Zack Hudgins

(D, Tukwila), (360) 786-7956
zack.hudgins@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Steve Bergquist

(D, Renton), (360) 786-7862
steve.bergquist@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 12

Sen. Brad Hawkins

(R, East Wenatchee), (360) 786-7622
brad.hawkins@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Cary Condotta

(R, Wenatchee), (360) 786-7954
cary.condotta@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Mike Steele

(R, Chelan), (360) 786-7832
mike.steele@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 13

Sen. Judy Warnick

(R, Moses Lake), (360) 786-7624
judy.warnick@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Tom Dent

(R, Moses Lake), (360) 786-7932
tom.dent@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Matt Manweller

(R, Ellensburg), (360) 786-7808
matt.manweller@leg.wa.gov
E2SSB 6269 (AV19): Excused

District 14

Sen. Curtis King

(R, Yakima), (360) 786-7626
curtis.king@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Norm Johnson

(R, Yakima), (360) 786-7810
norm.johnson@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Gina Mosbrucker

(R, Goldendale), (360) 786-7856
gina.mosbrucker@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 15

Sen. Jim Honeyford

(R, Sunnyside), (360) 786-7684
jim.honeyford@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Bruce Chandler

(R, Granger), (360) 786-7960
bruce.chandler@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. David Taylor

(R, Moxee), (360) 786-7874
david.taylor@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 16

Sen. Maureen Walsh

(R, College Place), (360) 786-7630
maureen.walsh@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Bill Jenkin

(R, Prosser), (360) 786-7836
bill.jenkin@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Terry Nealey

(R, Dayton), (360) 786-7828
terry.nealey@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 17

Sen. Lynda Wilson

(R, Vancouver), (360) 786-7632
lynda.wilson@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Vicki Kraft

(R, Vancouver), (360) 786-7994
vicki.kraft@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Paul Harris

(R, Vancouver), (360) 786-7976
paul.harris@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 18

Sen. Ann Rivers

(R, La Center), (360) 786-7634
ann.rivers@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Brandon Vick

(R, Vancouver), (360) 786-7850
brandon.vick@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Liz Pike

(R, Camas), (360) 786-7812
liz.pike@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 19

Sen. Dean Takko

(D, Longview), (360) 786-7636
dean.takko@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Jim Walsh

(R, Aberdeen), (360) 786-7806
jim.walsh@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Brian Blake

(D, Aberdeen), (360) 786-7870
brian.blake@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 20

Sen. John Braun

(R, Centralia), (360) 786-7638
john.braun@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Richard DeBolt

(R, Chehalis), (360) 786-7896
richard.debolt@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Ed Orcutt

(R, Kalama), (360) 786-7990
ed.orcutt@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 21

Sen. Marko Liias

(D, Everett), (360) 786-7640
marko.liias@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Strom Peterson

(D, Edmonds), (360) 786-7950
strom.peterson@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Lillian Ortiz-Self

(D, Mukilteo), (360) 786-7972
lillian.ortiz-self@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 22

Sen. Sam Hunt

(D, Olympia), (360) 786-7642
sam.hunt@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Laurie Dolan

(D, Olympia), (360) 786-7940
laurie.dolan@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Beth Doglio

(D, Olympia), (360) 786-7992
beth.doglio@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 23

Sen. Christine Rolfes

(D, Bainbridge Island), (360) 786-7644
christine.rolfes@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Sherry Appleton

(D, Poulsbo), (360) 786-7934
sherry.appleton@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Drew Hansen

(D, Bainbridge Island), (360) 786-7842
drew.hansen@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 24

Sen. Kevin Van De Wege

(D, Sequim), (360) 786-7646
kevin.vandewege@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mike Chapman

(D, Port Angeles), (360) 786-7916
mike.chapman@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Steve Tharinger

(D, Sequim), (360) 786-7904
steve.tharinger@leg.wa.gov
E2SSB 6269 (AV19): Yea



Don't know which legislative district you live in?

Call the legislative hotline at **(800) 562-6000** or visit **www.leg.wa.gov**.

District 25

Sen. Hans Zeiger

(R, Puyallup), (360) 786-7648
hans.zeiger@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Melanie Stambaugh

(R, Puyallup), (360) 786-7948
melanie.stambaugh@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Joyce McDonald

(R, Puyallup), (360) 786-7968
joyce.mcdonald@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 26

Sen. Jan Angel

(R, Port Orchard), (360) 786-7650
jan.angel@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Jesse Young

(R, Gig Harbor), (360) 786-7964
jesse.young@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Michelle Caldier

(R, Port Orchard), (360) 786-7802
michelle.caldier@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 27

Sen. Jeannie Darneille

(D, Tacoma), (360) 786-7652
jeannie.darneille@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Laurie Jinkins

(D, Tacoma), (360) 786-7930
laurie.jinkins@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Jake Fey

(D, Tacoma), (360) 786-7974
jake.fey@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 28

Sen. Steve O'Ban

(R, Tacoma), (360) 786-7654
steve.oban@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Dick Muri

(R, Steilacoom), (360) 786-7890
dick.muri@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Christine Kilduff

(D, University Place), (360) 786-7958
christine.kilduff@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 29

Sen. Steve Conway

(D, Tacoma), (360) 786-7656
steve.conway@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. David Sawyer

(D, Tacoma), (360) 786-7906
david.sawyer@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Steve Kirby

(D, Tacoma), (360) 786-7996
steve.kirby@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 30

Sen. Mark Miloscia

(R, Federal Way), (360) 786-7658
mark.miloscia@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mike Pellicciotti

(D, Federal Way), (360) 786-7898
mike.pellicciotti@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Kristine Reeves

(D, Federal Way), (360) 786-7830
kristine.reeves@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 31

Sen. Phil Fortunato

(R, Kent), (360) 786-7660
phil.fortunato@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Drew Stokesbary

(R, Auburn), (360) 786-7846
drew.stokesbary@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Morgan Irwin

(R, Enumclaw), (360) 786-7866
morgan.irwin@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 32

Sen. Maralyn Chase

(D, Edmonds), (360) 786-7662
maralyn.chase@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Cindy Ryu

(D, Shoreline), (360) 786-7880
cindy.ryu@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Ruth Kagi

(D, Seattle), (360) 786-7910
ruth.kagi@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 33

Sen. Karen Keiser

(D, Des Moines), (360) 786-7664
karen.keiser@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Tina Orwall

(D, Des Moines), (360) 786-7834
tina.orwall@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mia Gregerson

(D, SeaTac), (360) 786-7868
mia.gregerson@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 34

Sen. Sharon Nelson

(D, Vashon), (360) 786-7667
sharon.nelson@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Eileen Cody

(D, West Seattle), (360) 786-7978
eileen.cody@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Joe Fitzgibbon

(D, West Seattle), (360) 786-7952
joe.fitzgibbon@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 35

Sen. Tim Sheldon

(D, Shelton), (360) 786-7668
timothy.sheldon@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Dan Griffey

(R, Allyn), (360) 786-7966
dan.griffey@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Drew MacEwen

(R, Union), (360) 786-7902
drew.macewen@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 36

Sen. Reuven Carlyle

(D, Seattle), (360) 786-7670
reuven.carlyle@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Noel Frame

(D, Seattle), (360) 786-7814
noel.frame@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Gael Tarleton

(D, Ballard), (360) 786-7860
gael.tarleton@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 37

Sen. Rebecca Saldaña

(D, Seattle), (360) 786-7688
rebecca.saldana@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Sharon Tomiko Santos

(D, Seattle), (360) 786-7944
sharontomiko.santos@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Eric Pettigrew

(D, Seattle), (360) 786-7838
eric.pettigrew@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 38

Sen. John McCoy

(D, Tulalip), (360) 786-7674
john.mccoy@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. June Robinson

(D, Everett), (360) 786-7864
june.robinson@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mike Sells

(D, Everett), (360) 786-7840
mike.sells@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 39

Sen. Keith Wagoner

(R, Sedro-Woolley), (360) 786-7676
keith.wagoner@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Dan Kristiansen

(R, Snohomish), (360) 786-7967
dan.kristiansen@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Carolyn Eslick

(R, Sultan), (360) 786-7816
carolyn.eslick@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 40

Sen. Kevin Ranker

(D, Deer Harbor), (360) 786-7678
kevin.ranker@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Kristine Lytton

(D, Anacortes), (360) 786-7800
kristine.lytton@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Jeff Morris

(D, Mount Vernon), (360) 786-7970
jeff.morris@leg.wa.gov
E2SSB 6269 (AV19): Yea



Initiative 960, approved by voters in 2007, requires a list of every Legislator, their party preference, hometown, contact information, and how they voted on each bill resulting in an Advisory Vote.

District 41

Sen. Lisa Wellman

(D, Mercer Island), (360) 786-7641
lisa.wellman@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Tana Senn

(D, Mercer Island), (360) 786-7894
tana.senn@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Judy Clibborn

(D, Mercer Island), (360) 786-7926
judy.clibborn@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 42

Sen. Doug Ericksen

(R, Ferndale), (360) 786-7682
doug.ericksen@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Luanne Van Werven

(R, Lynden), (360) 786-7980
luanne.vanwerven@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Vincent Buys

(R, Lynden), (360) 786-7854
vincent.buys@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 43

Sen. Jamie Pedersen

(D, Seattle), (360) 786-7628
jamie.pedersen@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Nicole Macri

(D, Seattle), (360) 786-7826
nicole.macri@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Frank Chopp

(D, Seattle), (360) 786-7920
frank.chopp@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 44

Sen. Steve Hobbs

(D, Lake Stevens), (360) 786-7686
steve.hobbs@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. John Lovick

(D, Mill Creek), (360) 786-7804
john.lovick@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mark Harmsworth

(R, Mill Creek), (360) 786-7892
mark.harmsworth@leg.wa.gov
E2SSB 6269 (AV19): Nay

District 45

Sen. Manka Dhingra

(D, Redmond), (360) 786-7672
manka.dhingra@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Roger Goodman

(D, Kirkland), (360) 786-7878
roger.goodman@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Larry Springer

(D, Kirkland), (360) 786-7822
larry.springer@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 46

Sen. David Frockt

(D, Seattle), (360) 786-7690
david.frockt@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Gerry Pollet

(D, Seattle), (360) 786-7886
gerry.pollet@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Javier Valdez

(D, Seattle), (360) 786-7818
javier.valdez@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 47

Sen. Joe Fain

(R, Auburn), (360) 786-7692
joe.fain@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Mark Hargrove

(R, Covington), (360) 786-7918
mark.hargrove@leg.wa.gov
E2SSB 6269 (AV19): Nay

Rep. Pat Sullivan

(D, Covington), (360) 786-7858
pat.sullivan@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 48

Sen. Patty Kuderer

(D, Bellevue), (360) 786-7694
patty.kuderer@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Vandana Slatter

(D, Bellevue), (360) 786-7936
vandana.slatter@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Joan McBride

(D, Kirkland), (360) 786-7848
joan.mcbride@leg.wa.gov
E2SSB 6269 (AV19): Yea

District 49

Sen. Annette Cleveland

(D, Vancouver), (360) 786-7696
annette.cleveland@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Sharon Wylie

(D, Vancouver), (360) 786-7924
sharon.wylie@leg.wa.gov
E2SSB 6269 (AV19): Yea

Rep. Monica Jurado Stonier

(D, Vancouver), (360) 786-7872
monica.stonier@leg.wa.gov
E2SSB 6269 (AV19): Yea

Address confidentiality for crime survivors

Keep your voting address confidential

The Address Confidentiality Program can register participants to vote without creating a public record.

To be eligible:

- you must be a survivor of domestic violence, sexual assault, trafficking or stalking, or be employed in criminal justice and a target of felony harassment on the job
- you must meet with a victim advocate who can assist with threat assessment, safety planning, and the program application
- you should have recently moved to a new location that is unknown to the offender and undocumented in public records

Call (800) 822-1065 or visit www.sos.wa.gov/acp.



Federal Qualifications & Responsibilities

Except for the President and Vice President, all federal officials elected in Washington must be registered voters of the state. Only federal offices have age requirements above and beyond being a registered voter.

Congress

The U.S. Senate and House of Representatives have equal responsibility for declaring war, maintaining the armed forces, assessing taxes, borrowing money, minting currency, regulating commerce, and making all laws and budgets necessary for the operation of government.

U.S. Senator

Senators must be at least 30 years old and citizens of the U.S. for at least nine years. Senators serve six-year terms. The Senate has 100 members; two from each state.

The Senate has several exclusive powers, including consenting to treaties, confirming federal appointments made by the President, and trying federal officials impeached by the House of Representatives.

U.S. Representative

Representatives must be at least 25 years old and citizens of the U.S. for at least seven years. Representatives are not required to be registered voters of their district, but must be registered voters of the state. Representatives serve two-year terms.

The House of Representatives has 435 members, all of whom are up for election in even-numbered years. Each state has a different number of members based on population. After the 2010 Census, Washington was given a 10th Congressional District.



Who donates to campaigns?

View financial contributors for federal candidates:

Federal Election Commission

www.fec.gov
Toll Free (800) 424-9530



Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.



**Maria
Cantwell**

(Prefers Democratic Party)

Elected Experience

U.S. Senate 2001-present, U.S. House of Representatives 1993-1995, Washington State Legislature 1987-1993.

Other Professional Experience

Real Networks, Vice President of Marketing & Senior Vice President of the Consumer Products Division 1995-2000.

Education

First in her family to graduate college with the help of financial aid. Received B.A. in Public Administration from Miami University.

Community Service

Maria is an avid hiker and outdoorswoman who has summited Mt. Rainier, Mt. Adams, Grand Teton, Kilimanjaro, and hopes to tackle more of our nation's highest peaks.

Statement

Maria fights to do what's right for Washingtonians. She knows too many Washington families struggle to get by. Maria has worked to help create family-wage jobs and prepare America's workforce for 21st century innovation. She has passed laws to help our agriculture, aviation, maritime, fishing, and bustling port economies.

Housing costs are skyrocketing. That's why Maria successfully worked across the aisle to increase federal incentives to build more affordable housing. She fought to save the Affordable Care Act. Maria kept her promise to protect Social Security, Medicare, and Medicaid. She supported new laws to ensure veterans receive the healthcare they deserve. Maria believes prescription drugs should be affordable and pharmaceutical companies should be held accountable for flooding communities with addictive painkillers and she helped secure increased funding for law enforcement and treatment.

Making the dream of college education more affordable, Maria supports increasing Pell grants, allowing students to refinance loans, and she helped pass a 21st Century GI Bill to expand educational opportunities for veterans. Washington leads in aerospace and manufacturing trades. That's why Maria's bipartisan legislation creates the first federal tax incentive for apprenticeships - retraining veterans and laid-off workers at community colleges.

Maria helps grow Washington's tech industry by fighting for Net Neutrality and cybersecurity.

First responders are heroes who need support. Maria fought for wildfire funding focusing on prevention, protecting lives, and growing rural jobs. A vibrant outdoor economy supports rural communities. Maria led the charge to stop fee hikes in our National Parks and prevented oil exploration off Washington's coasts. She believes in state tax deductibility. Congress, like small business, needs to live within its means. Maria believes PAYGO measures fight our deficit.

Our American values are being challenged. We need to keep Maria in the other Washington fighting for our Washington values.

Contact

(206) 682-7328; maria@cantwell.com; www.cantwell.com

continue →



Susan
Hutchison

(Prefers Republican Party)

Elected Experience

Chairman, Washington State Republican Party 2013-18; Winner, 2009 County Executive Primary, Seattle Times endorsement

Other Professional Experience

20 years TV News Journalist KIRO(CBS)-Five Emmys; 10 years Executive Director, Simonyi Fund for Arts and Sciences

Education

Bachelor of Science, University of Florida; Certificate, National Security Forum, USAF Air University

Community Service

Seattle Colleges Advisory Board; Mayor Nickels Good Neighbor Award; Seattle Children's Hospital Foundation; Seattle Symphony Chair; King County Elections Task Force-Ron Sims appointee; Salvation Army NW Board; Governor's A+ Education Commission-Gary Locke appointee; Young Life Chair; Woodrow Wilson International Center for Scholars-Presidential appointee; Smithsonian Air and Space Museum Trustee

Statement

Our people deserve better than an ineffective Senator seeking an undeserved 4th term. We need a Senator who truly cares about the concerns of *this* Washington, not the *other*. Unlike her, I've been in every county and corner of the state these last 5 years--and I've heard you! You are fed up with Seattle's harmful policies which she accepts and supports--policies that jeopardize our future. You want a Senator who votes *your* pocketbook, not hers. You want big change *now* and so do I. In this election, I'm fighting for you. And I need your vote.

My ties here actually began before I was born--when my German and Norwegian immigrant grandparents settled in Tacoma. While I moved a lot as a military daughter and wife, my husband and I returned to the Puget Sound as soon as we finished Marine Corps active duty. We raised our two boys, investing time in things that matter: our kids' teachers, schools, and teams; our work (my husband at Boeing); our church--serving UW students; and *many* significant community needs. We also enjoyed hiking mountains, whale watching and helping visitors pronounce Puyallup.

But all the while I was fighting for you. *Against* a state income tax, *against* reckless spending of your taxes. *For* children's health, *for* public schools, *for* fair elections in King County. Unlike my opponent, I would have voted *for* working-family tax cuts, *for* our military, *for* the first woman to head the CIA. I will champion Washington's farms that feed the world. I can bring home vital infrastructure dollars, which she cannot. And be assured, when President Trump is good for Washington State, I'll support him. When he's not, *I* can talk to him.

I'll be your voice. I'll fight for you. Let's win this together!

Contact

(206) 880-1820; info@susan4senate.com;
www.susan4senate.com



Suzan
DelBene

(Prefers Democratic Party)

Elected Experience

United States Representative, 2012-Present. Ways and Means Committee and Budget Committee

Other Professional Experience

Successful career as a businesswoman and entrepreneur. Former Microsoft executive, led local high-tech startups. Former Director of Washington's Department of Revenue, where I led efforts to simplify the tax system and help small businesses.

Education

B.A., Reed College; M.B.A., University of Washington.

Community Service

I've mentored students at UW Business School; been active in my church, serving as a board member. Volunteered with the PTA, Girl Scouts and YWCA, supporting transitional housing, job training and services to help families get back on their feet.

Statement

In these uncertain times, the 1st Congressional District needs steady, experienced representation. As your Congresswoman, I've stood up against partisan gridlock while working to strengthen middle class families. *I'm standing up for our democratic values as well.*

On too many issues, it feels like we are going backwards. With Congressional Republicans rubberstamping Trump, millions are losing health coverage. The federal deficit is exploding as Republicans hand out unaffordable tax cuts to the wealthy and powerful corporations.

That's why I'm fighting to preserve health care coverage, restore fiscal sanity, and boost our economy. We must help our veterans and military families. I've introduced legislation to reduce veteran unemployment and boost job-training. *I passed a law to close a Pentagon loophole that denied justice for child abuse survivors.*

We saw how critical infrastructure is when the I5 Skagit River bridge collapsed. We cannot grow our economy and create jobs if we allow our roads, bridges, and ports to crumble. I supported major new investments to rebuild our infrastructure, from highways and rail lines to rural broadband. I secured an increase in an affordable housing tax credit to reduce the cost of housing. I'm fighting for immigration reform, strengthening data privacy and providing resources for opioids treatment. I passed legislation to provide \$200 million for job training programs, \$22 million in Washington state. I've introduced legislation to help small businesses with quality, affordable health insurance for their employees.

I'll protect Social Security, Medicare and a woman's right to choose. I stood up against hyperpartisan Republican attacks on Planned Parenthood. I have endorsements from Democratic groups, labor organizations, local leaders and many others.

Making progress in Congress isn't easy, but I'm working to expand economic opportunities, broaden the middle-class, support Washington agriculture and represent our values. I ask for your support.

Contact

(425) 483-1500; info@delbeneforcongress.com;
www.delbeneforcongress.com

continue →



Jeffrey
Beeler

(Prefers Republican Party)

Elected Experience

Sultan City Council 2009-Present; PSRC Transportation Policy Board 2014-2015; LEOFF1 Board 2016-Present

Other Professional Experience

Successful small business owner of 30 years.

Education

Graduated Mariner High School. Attended Shoreline Community College.

Community Service

Monroe YMCA basketball coach 4 years; Multiple youth programs within my church; U.S. 2 Safety Coalition Board Member 2007-Present.

Statement

As a small business owner, staying within a budget is imperative to being successful. I will back a Constitutional Balanced Budget Amendment and will push government to live within its means by cutting waste and government red tape, so jobs can continue to grow.

As a Sultan city council member, I enacted financial policies that produced an AA bond rating, the first ever for Sultan and the highest rating you can achieve for a small city.

The reason congress is not getting things done is due to the polarization that it is mired in. There is the far left and the far right and neither side wants to put aside their "party line" and use a common-sense approach to find common ground. I intend to put aside our political partisanship and take those ideas we can agree on to start making the hard decisions the American people expect.

I support comprehensive immigration reform but also recognize that border security is paramount to a safe and secure country. We need to stem the tide of illegal immigration into our country. At the same time, we must compassionately address the issue of illegal immigrants and their children that already make America their home.

Providing healthcare for my family has been one of my biggest challenges. With increasing costs and the fact many insurance providers are leaving the state because of the many mandates, it has gotten harder and harder to find affordable healthcare. Enacting common sense legislation such as the HEALTH Act of 2016, can reduce the overall cost of insurance and help curb frivolous lawsuits that are driving competent healthcare workers and companies out of Washington.

I ask for your vote, so I may go and represent you and promote the changes needed to move our country forward.

Contact

(425) 319-3338; beeler4congress@gmail.com;
www.beeler4congress.com



**Rick
Larsen**

(Prefers Democratic Party)

Elected Experience

I began trying to make a difference through public service on the Snohomish County Council, and today it is my privilege to serve as the Representative for Washington's 2nd Congressional District.

Other Professional Experience

I was previously employed by the Port of Everett and the Washington State Dental Association.

Education

I graduated from Pacific Lutheran University in Washington state and have a Master's degree from the University of Minnesota.

Community Service

My parents were an important influence on me, encouraging me to be involved in my local community. Their encouragement continues to be a motivation for my service to our communities.

Statement

Each day I am guided by what I hear when I visit with students, families and small businesses around northwest Washington – the challenges they face, and the opportunities they seek. It is an honor to represent the 2nd District, and for me that means being a champion for our middle class.

We are building an economy that creates good-paying jobs by investing in transportation infrastructure, and fighting to establish the 2nd District as a center for renewable energy innovation to grow our economy and protect our environment.

To compete in a global marketplace, we need more access to education in science, technology, engineering and math (STEM). Washington state has more STEM jobs than any other state in the country, but we are failing to train our future workforce to meet the demand. I am focused on investing in our communities through technical training and apprenticeships.

Protecting our middle class also means helping our communities address the pain of opioid addiction. Addiction is not a moral failing; it is a disease and its victims deserve treatment and recovery. I am working to provide law enforcement with the training and supplies they need to reverse overdoses and get our loved ones on the road back to recovery.

Providing for the middle class means ensuring our veterans have access to the care they need. I am committed to making healthcare easier to access, and easing the transition from military service to civilian employment or educational opportunities. We don't leave our veterans behind.

My family has called northwest Washington home for over a century, and it has been my great honor and duty to bring these shared values to Washington, D.C. I am excited about strengthening our middle class at home, and if you feel the same – I ask for your support.

Contact

(425) 259-1866; rick@ricklarsen.org; RickLarsen.org



**Brian
Luke**

(Prefers Libertarian Party)

Elected Experience

No information submitted

Other Professional Experience

I have worked in the grocery business for 22 years.

Education

I have a Master of Arts in International Studies (Middle East focus) and three Bachelor of Arts in History, Comparative Religion and Classical Studies, all from the University of Washington. Furthermore, I have an Advanced Paralegal Certificate from Edmonds Community College.

Community Service

No information submitted

Statement

I am running for Congress because I am concerned about the national debt, US foreign policy, jobs, and matters of freedom.

Our debt is now over \$21 Trillion. We must collect sufficient revenue to pay for the federal government and not overspend. We do neither, which is why we have huge deficits. We must be willing to cut domestic, foreign policy and military spending. Moreover, we must be careful how much we lower taxes if there is a failure to cut spending.

The United States should not waste precious blood and treasure abroad. Foolish foreign engagements and wars disrespect the soldier and add more debt. The United States must seek diplomacy with all nations but be cautious of being a patron to them. Long-term deployments must be reviewed.

I support an economic environment that creates and maintains jobs. I support the elimination of laws and regulations that do not support those goals. Although international commerce is important to the United States, I believe that the United States should be cautious of trade agreements with countries that do not have a similar standard of living. With the status of current labor law, I oppose a national Right-to-Work law, which would have government dictate what can be included in a contract between an employer and a private-sector union.

I believe that the federal government should give more freedom to the states. For example, it is time to repeal the federal prohibition of marijuana. I do not believe that the U.S. Constitution gives authority to Congress to regulate marijuana and other issues within a state.

Contact

(425) 270-1912; luke4congress@frontier.com;
luke4congress.com



Legislative Qualifications & Responsibilities

Legislators must be registered voters of their district.

Legislature

Legislators propose and enact public policy, set a budget, and provide for the collection of taxes to support state and local government.

State Senator

The Senate has 49 members; one from each legislative district in the state. Senators are elected to four-year terms, and approximately one-half the membership of the Senate is up for election each even-numbered year. The Senate's only exclusive duty is to confirm appointments made by the governor.

State Representative

The House of Representatives has 98 members; two from each legislative district in the state. Representatives are elected to two-year terms, so the total membership of the House is up for election each even-numbered year.



Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.



**Debra
Lekanoff**

(Prefers Democratic Party)

Elected Experience

No information submitted

Other Professional Experience

Swinomish Tribe Governmental Affairs Director, EPA National and Regional Tribal Operations Committee, Washington State and Tribal Water Quality Standards Roundtable Participant, Coast Salish Gathering Coordinator, Community Action of Skagit, Northwest Indian College Foundation, Skagit Democratic Delegate, Salish Sea Ecosystem Board and Billy Frank Jr. Salmon Summit Board.

Education

BA, Business Administration/Finance, Central Washington University. MA (*Candidate*), Public Administration, Evergreen College.

Community Service

Community, healthcare, environment and removing barriers for everyone to succeed are my priorities and are reflected in my service and my work: Dental Health Care legislation, addressing the substance abuse crisis, and phasing out invasive Atlantic Salmon.

Statement

I'm a working mom and strategic leader who's spent 20 years serving the 40th District, Washington State, and tribal communities locally and nationally by breaking down barriers and building a foundation of collaboration. I'm ready to roll up my sleeves and work *with* you on progressive ideas to build opportunities in education, workforce and economic development, environmental and natural resource protections, affordable housing, and healthcare. Taking a practical approach to current issues, I will continue to build partnerships and protect the environment. I ask to be your peer and your voice in Olympia. Together, we'll get the work done.

Contact

(360) 770-9689; votedebralekanoff@gmail.com;
www.debralekanoff.com



**Michael
Petrish**

(Prefers Republican Party)

Elected Experience

Trustee to Carpenter's Local 70 Delegate to Pacific Northwest Regional Council of Carpenters Elected Officer of Executive Board Pacific Northwest Regional Council of Carpenters.

Other Professional Experience

Commercial Fisherman 12 years Washington and Alaska Union Carpenter 18 years in the field and as a representative. United States Department of Defense/ NATO Civilian Contractor and Consultant Operation Joint Endeavor Former Yugoslavia 1995-2000

Education

Anacortes High School class of 1986. University of Zagreb Immigrant Council of Croatia Scholarship Program 1987-1988 United Brotherhood of Carpenters Apprenticeship

Community Service

Volunteer soccer coach for Anacortes Parks and Recreation Volunteer in Knights of Columbus St. Mary's Catholic Church.

Statement

The people who live and work in this region are blessed with many opportunities and careers. We must promote growth policies that ensure that businesses are given the incentives to expand and develop while ensuring workers rights. The oil and gas industry where I am currently employed, provides thousands of jobs in our region and has a huge impact on the local economy. I will defend individual rights, protect property rights and the return of our water rights, prior to current moratorium (Hirst decision) which was imposed on property owners specifically in Skagit County.

Contact

(360) 333-7339; petrismj67@yahoo.com;
www.michaelpetrish.com



**Jeff
Morris**

(Prefers Democratic Party)

Unopposed

Elected Experience

40th LD Representative since 1997

Other Professional Experience

As owner of Energy Horizon Corporation, I direct an international energy planning program and work with Clean Technology startup companies. I'm co-founder of the first clean technology angel investment group in 2006: Northwest Energy Angel. I was honored when a national magazine named me one of the 13 most technologically-savvy State Legislators in the country.

Education

Central Washington University (BA, Political Science)

Community Service

I'm an active, fourth-generation native of Guemes Island. I currently chair the National Conference of State Legislatures Environment Committee and am former President of the PNW Economic Region.

Statement

It is my great privilege to represent the residents of Whatcom, Skagit and San Juan counties. I have passed legislation to promote energy innovation, invest in renewable energy, and reduced environmental impacts. I have fought and won critical investments in our ferry system and local infrastructure, including \$106 million for education, conservation, and facility projects across our district.

I'll continue to use the experience you have given me to continue work on technology, infrastructure, clean energy, privacy and telecommunications to ensure Washingtonian continues to lead in these important areas that result in jobs of today and tomorrow. Thank you.

Contact

(360) 941-1734; jeff2018@morriscampaign.com;
www.morriscampaign.com



**Doug
Ericksen**

(Prefers Republican Party)

Elected Experience

State Senator. Served as Chairman of the Senate Energy, Environment and Telecommunications Committee. Served on following committees: Transportation. Higher Education. Health Care. Rules. State Representative 6 terms. Served as Floor Leader and Assistant Leader. Served on following committees: Transportation. Health Care. Natural Resources. K-12 Education. Legislative Ethics Board

Other Professional Experience

Communications Director for the Environmental Protection Agency Transition Team. Energy and policy consultant. Legislative policy analyst. Cruise ship and tourism industry. English Instructor

Education

Sehome High School 1987. Cornell University BA Government 1991. Western Washington University MA Environmental Policy 1995

Community Service

Cruise Through Cancer Board of Directors. Trinity Lutheran Church. Numerous other activities

Statement

For the past 8 years it has been an honor to serve the people of Whatcom County and the 42nd Legislative District in the State Senate.

Working together we have protected and created thousands of jobs in Whatcom County, made education the top priority in our state budget, and protected our natural environment for future generations. As your State Senator I bring Whatcom County values and solutions to Olympia. I understand that farming is a business and a way of life. That is why I have worked so hard to protect our farms and our farmers from excessive regulations.

Cherry Point industries are important to our economy and our quality of life. I have been a champion of these great jobs against constant attacks in Olympia. I made school funding a top priority and over the past 6 years 75% of government growth went to education.

In the future we need to require a 2/3s vote in the legislature to raise taxes, focus on property tax relief, and put government on a budget. With your support and your vote we can protect our freedoms, our way of life, and create an even better Washington for all of us.

Contact

(360) 920-3276; Doug@DougEricksen.com;
DougEricksen.com



**Pinky
Vargas**

(Prefers Democratic Party)

Elected Experience

Bellingham City Council, Council President in 2016, Mayor Pro Tem, Chair Finance, Community and Economic Development, and Justice Committee.

Other Professional Experience

I've worked for Puget Sound Energy for 8 years, working throughout Whatcom County with businesses and communities on energy efficiency. I was instrumental in leading the Bellingham Energy Prize. Nominee, Whatcom Professional Women of the Year.

Education

University of Phoenix/Business, Leadership Whatcom, Project Management, Toastmasters.

Community Service

Serves on the Boards for Bellingham Chamber of Commerce, Whatcom Tourism and Parks and Recreation. Past: Downtown Partnership, Opportunity Council, Mount Baker Theater, Lake Whatcom Natural Resources, and Greenways. Volunteer at NSEA.

Statement

I am running to put people first. In Whatcom County we value our people; we believe in being good stewards of our land and we want our communities and families to thrive. I believe we have more in common than what separates us. For too long we have gone without a voice in Olympia that truly represents our unique needs here in the 42nd District. I will be that voice, prioritizing family wage jobs, affordable housing, and quality education.

I grew up in a farmhouse without running water and understand the issues facing our rural communities. Farming, dairy, and fishing are key sectors of our economy. I will protect our agricultural land, ensure water access, and support a healthy environment.

It's imperative that women have equal opportunities in the workforce and young girls have role models in government. I'm passionate about advancing equal pay, family leave, and affordable healthcare.

Endorsed: Whatcom Women Democrats, Planned Parenthood, Washington State Labor Council, Washington State Building Trades, U.S. Reps. Rick Larsen and Suzan DelBene, County Councilmembers Rud Browne, Satpal Sidhu and Todd Donovan, Bellingham Mayor Kelli Linville, Councilmembers Roxanne Murphy, April Barker, and Gene Knutson, Ferndale Councilmembers Teresa Taylor and Cathy Watson.

Contact

(360) 510-8518; info@votepinkyvargas.com;
www.votepinkyvargas.com



**Justin
Boneau**

(Prefers Democratic Party)

Elected Experience

This is my first run for elected office.

Other Professional Experience

Served our country in the U.S Navy from 1999-2005 as a Machinist Mate in the Nuclear Propulsion Program with my last duty station on the USS Carl Vinson. Since 2008, I've been making our environment cleaner as crew supervisor with the Ecology Youth Corp here in Whatcom and Skagit County.

Education

Graduated from WWU with a BA in Business Administration in 2010, from Whatcom Community College in 2007, and from Oak Harbor High School in 1999.

Community Service

Proud member of VFW Post 1585 and the Bellingham Tenants Union.

Statement

I'm just a normal dad and husband here in Whatcom County. Every year I see the same pay and higher costs. My wife and I barely see each other or our little one because we work all the time to make ends meet.

We can build a better future. I'm running to bring affordable health care and housing to our community. I'm running to create an economy that provides living wage jobs. And, I'm running so our children get a good first start through public pre-K. Please vote for me - let's make things better. Endorsed by: 42nd Democrats.

Contact

(360) 929-2851; jboneau@gmail.com;
www.justinboneau.com



**Luanne
Van Werven**

(Prefers Republican Party)

Elected Experience

State Representative, two terms. Serves on the Higher Education, Transportation, Public Safety and Rules Committees.

Other Professional Experience

Born and raised in Whatcom County, Luanne is fifth generation family to live and work here. Luanne and her husband Larry have four children and seven grandchildren. The Van Wervens built a successful local business. Along the way, Luanne saw how excessive government regulations stifle growth and cost jobs.

Education

Attended Lynden Christian Schools and Bellevue College.

Community Service

Luanne gives back to our community in meaningful ways by volunteering and supporting local organizations who are committed to serving vulnerable populations in our communities.

Statement

For the past four years, I have worked hard to represent the best interests of Whatcom County. There's more to do. I will continue to fight for a state government that works for you, not the other way around.

Education: Whether K-12, 4-year colleges, or community and technical instruction, we must provide a world-class education, so every student reaches their full potential.

Agriculture: We must protect our agricultural farms and professional services that contribute to the vitality of Whatcom County Agribusiness. *Taxes:* We must hold the line on taxes and instead give taxpayers their money back.

Contact

(360) 319-3761; luanne@luannevanwerven.com;
www.luannevanwerven.com/



Sharon
Shewmake

(Prefers Democratic Party)

Elected Experience

First time candidate

Other Professional Experience

Professor of Economics at Western Washington University. Teaches statistics, labor economics, and environmental economics. Children's book author. Married and mother of Henry and Graham.

Education

Ph.D. in Agricultural and Resource Economics from the University of California, Davis. A.B. Economics and Environmental Science and Policy from Duke University

Community Service

Lettered Streets Neighborhood Association, faculty advisor for Western Washington University's Women in Economics and Finance Club, Member of Whatcom County Climate Change Impacts Committee, Riveter's Collective, Walk Bike Bus Bellingham, Washington State Adult Soccer Association

Statement

Our economy isn't just dollars and cents, it's how we care for one another and grow our communities. We need leaders who fight for our values. Protecting our children, the environment, and workers isn't charity, it's an investment in our future.

No child deserves to live in poverty. No family deserves to go hungry. No person deserves to go without a well-paying job. I ask for your vote because for too long our voices have gone unheard, we need a representative who will protect our environment and protect our families, it's time for change in Whatcom County.

Contact

(360) 726-3509; sharon@sharon4whatcom.com;
www.sharon4whatcom.com



Vincent
Buys

(Prefers Republican Party)

Elected Experience

2010-Present, Elected Washington State Representative - 42nd Legislative District; Ranking Member, Agriculture and Natural Resources Committee; Appropriations Committee; Environment Committee; House Republican Member Apointee: State Building Code Council; Capital Projects Advisory Review Board; Water Resource Mitigation Taskforce; Joint Legislative Taskforce on Water Supply

Other Professional Experience

Owner/General Contractor - Dutchman Construction; Trade Delegation to Cambodia and Taiwan; Member: Lynden Chamber of Commerce, Northwest Business Club, Bellingham Whatcom County Tourism, Washington Farm Bureau

Education

Lynden Christian High School; Bellingham Technical College - AAS, Electronics Technologies

Community Service

Serving our community in Olympia has been the greatest honor. I look forward to continuing to serve you!

Statement

I am *honored* to have served the last eight years as your Representative in Whatcom County. I have *worked hard* to provide effective leadership and understand the needs and values we all share. I have *fought* to protect your property rights, *strengthen* our local businesses and communities, and have been an outspoken *advocate* for agricultural. I have *supported* legislation to reduce burdensome regulations, provide increased economic opportunities, and protect victims of sexual violence. I will continue, with your support, to be a leader who *prioritizes* the needs of Whatcom County and ensures that *your* voice is heard in Olympia.

Contact

(360) 306-0648; Vincent@VincentBuys.com;
VincentBuys.com



Judicial Qualifications & Responsibilities

Washington judges are nonpartisan. Judicial candidates must be in good standing to practice law in Washington and are prohibited from statements that appear to commit them on legal issues that may come before them in court. Judges must be registered Washington voters.

State Supreme Court Justice

The Washington Supreme Court is the highest judiciary in the state. State Supreme Court justices hear appeals and decide cases from Courts of Appeals and other lower courts. Nine justices are elected statewide to serve six-year terms.

Court of Appeals Judge

Court of Appeals judges hear appeals from Superior Courts. A total of 22 judges serve three divisions headquartered in Seattle, Tacoma, and Spokane. Each division is further split into three districts. Court of Appeals judges serve six-year terms.

Superior Court Judge

Superior Courts hear felony criminal cases, civil matters, divorces, juvenile cases, and appeals from the lower courts. Superior Courts are organized by county into 30 districts. Superior Court judges serve four-year terms.



Candidate statements are printed exactly as submitted. The Office of the Secretary of State does not make corrections of any kind or verify statements for truth or fact.



Susan
Owens

(Nonpartisan)

Unopposed

Legal/Judicial Experience

Washington State Supreme Court Justice; former District Court Judge, Western Clallam County; former Chief Judge, Quileute Tribe; former Chief Judge, Lower Elwha S'Klallam Tribe

Other Professional Experience

Member, Rules Committee, Bench-Bar-Press Committee, and the Board for Judicial Administration

Education

BA, Duke University; JD, University of North Carolina at Chapel Hill

Community Service

Justice Owens has trained judges nationally from Anchorage to Albuquerque on domestic violence issues, and participated in the writing of the Northwest Tribal Judges Domestic Violence Manual. She has also lectured at the National College of Prosecuting Attorneys' Domestic Violence Conference, and is committed to this very important area of law.

Statement

"I bring diverse judicial experience and a commitment to upholding our laws and Constitution to my job as a Supreme Court Justice. I'm a proud, independent voice for common sense rulings that respect our rights and communities."

Supreme Court Justice Susan Owens has served with integrity, independence and a strong commitment to our Constitutional rights. Prior to being elected to the Supreme Court in 2000, Justice Owens served on the Clallam County District Court for nearly two decades. An advocate for crime victims and families, she earned a national reputation teaching judges how to enforce tougher domestic violence laws.

One of the most productive Justices, authoring numerous important opinions on complex cases, Justice Owens has served with honor and the respect of her peers. Her plain interpretations of the law are rooted in common sense, free of bias, and seek to respect your rights and privacy.

A seasoned judge when she joined the court, she has earned the respect and endorsements of judges statewide, advocates for women, crime victims, working families and law enforcement. Re-elect Justice Susan Owens.

Contact

(360) 866-6052; sowens@olympen.com;
www.reelectjusticesusanowens.com



Nathan Choi

(Nonpartisan)

Legal/Judicial Experience

Practicing Attorney since 1999. Licensed in Multiple Jurisdictions. Practiced in Multiple Countries. Hawaii Supreme Court Annexed Arbitrator from 2003-2009

Other Professional Experience

Professor of Accounting-Hawaii Business College; Merrill Lynch (Once World's Largest Brokerage) Midmarkets Securities Trading Desk; Developed Numerous Real Estate Projects; Housing Association Director; Chief Executive Office (Private Equity/Non-Profit Charitable Organizations) Real Estate Principal Broker

Education

Juris Doctor and Masters of Business Administration-University of Hawaii Bachelor's Degree in Real Estate and Accounting-University of Hawaii

Community Service

Donated Numerous Generous Scholarships; Funded Multiple Missionary/Humanitarian Organizations; Conducted Free Legal Seminars for Immigrants and other less privileged members of society

Statement

The 2 most important qualities of a Judge in order of importance 1:Fairness 2: Real world experience. Nathan Choi owes no political party or special interest Quid Pro Quo. This is the cause of the current constitutional crisis in our Nation's Capital. Why else does one judge rule in opposite of another under identical written laws? I am a Patriot. My allegiance is to you.

Nathan Choi is the most experienced candidate to resolve current vital issues in Washington. The housing problem can be resolved with proper interpretation and implementation of laws. The Supreme Court is in the special position to interpret legislative laws to positively impact the public. The Judiciary needs Real World Experience how rulings affect developers, business, and the public. I have litigated and developed housing and know exactly how they create or eliminate affordable housing and other legal problems.

The Judiciary needs an understanding of economics, tax regulations and the ripple effects of their decisions. I am the only candidate who has successfully developed Real Estate and understands the Macro Economics of legal decisions and will apply the law without bias and for the benefit of the public. Learn more at WAjudicialwatchdog.org.

Contact

(425) 691-6559; kanakavaivai@gmail.com;
www.nathanchoiforjudge.org



Steve Gonzalez

(Nonpartisan)

Legal/Judicial Experience

Current Supreme Court Justice. Ten years as King County Superior Court Judge. Former Assistant US Attorney, Domestic Violence Prosecutor, and business lawyer.

Other Professional Experience

Chair, statewide Access to Justice Board and Interpreter Commission. Chair, Traveling Court and Court Security Committees. National instructor on prosecuting international terrorism. State Constitutional Law Instructor at Gonzaga University.

Education

JD, UC Berkeley. BA with Honors, Pitzer College. Rotary International Scholar in Economics. Honorary Doctorates from Gonzaga and University of Puget Sound.

Community Service

Board member, Washington Leadership Institute, Northwest Minority Job Fair. Regularly teaches civics in schools across Washington, and mentors students.

Statement

Justice Steve Gonzalez is a husband and father with a distinguished career serving the people of Washington and protecting the integrity of our judicial system. He writes clear opinions that support our rights and the rule of law.

He spent a decade as a King County Superior Court Judge and earned a reputation as a fierce advocate for judicial access and fairness. As a lawyer, he prosecuted terrorism, hate crimes, and domestic violence. He was also a business attorney and regularly did free work for people who could not pay.

Justice Gonzalez was named "Outstanding Judge of the Year" by several organizations, including the Washington State Bar. He is rated "Exceptionally Well Qualified" by ten professional and civic organizations, including the Veterans Bar, Joint Asian Bar, and Washington Women Lawyers.

Justice Gonzalez has bipartisan support. He is endorsed by his Supreme Court colleagues, Attorney General Bob Ferguson, former Attorney General Rob McKenna, Congresswomen Pramila Jayapal and Suzan DelBene, former Governor Gary Locke, Secretary of State Kim Wyman, Senator Bob Hasegawa, Representative Sharon Tomiko Santos, former Representative Velma Veloria, former King County Executive Ron Sims, judges statewide; State Labor Council, State Fire Fighters, State Patrol; legislative districts across the state.

Contact

(206) 707-9239; info@justicegonzalez.com;
justicegonzalez.com



Sheryl Gordon
McCloud

(Nonpartisan)

Unopposed

Legal/Judicial Experience

Supreme Court Justice since 2012; nearly 30 years as an accomplished trial and appellate lawyer; former adjunct professor, Seattle University School of Law

Other Professional Experience

Chair, Gender & Justice Commission; member, State Bar Association's Council on Public Defense; Washington Women Lawyers President's Award recipient. Prior to service on the Court, recipient of William O. Douglas Award presented by the Washington Association of Criminal Defense Lawyers for "extraordinary courage and dedication" to justice

Education

J.D., University of Southern California Law Center; B.A., State University of New York at Buffalo, *cum laude*

Community Service

Frequent speaker at school, community, and court-related events

Statement

Justice McCloud was elected to the Supreme Court in 2012 after a long career fighting for constitutional and individual rights, often for people who could not afford a lawyer.

Now, she is an experienced Supreme Court Justice. Her fairness, hard work, clear writing, and intellect have earned her awards, endorsements, and "exceptionally well qualified" ratings from groups with varying points of view across the state. She is endorsed by Democrats, Republicans, Independents, and community leaders – all who believe in the importance of an independent judiciary.

Justice McCloud remains dedicated to equal rights and access to justice for all. She believes this is a time when all of us, regardless of our political views, must stand together in defending our right to a fair and independent judiciary – a right vital to our democracy.

Endorsements: Attorney General Bob Ferguson; former Attorney General Rob McKenna; former U.S. Attorneys Mike McKay and John McKay; 12 current & former Supreme Court justices and over 150 judges statewide; National Women's Political Caucus of Washington; Washington State Labor Council; State Patrol Troopers Association; State Council of Firefighters; King County Democrats; See more: www.justicesherylmcccloud.com; Rated "Exceptionally Well Qualified" by 10 independent Bar Associations

Contact

(425) 466-0619; justicesherylmcccloud@gmail.com;
www.justicesherylmcccloud.com



Tom
SeGuine

(Nonpartisan)

Legal/Judicial Experience

Skagit County Prosecuting Attorney, 2003-2007; Deputy Prosecuting Attorney, Skagit, Whatcom, San Juan and King Counties, 1988-2003, 2007-08; Superior Court Arbitrator, 2007- 2018, private law practice, 2007-18; numerous cases in Washington Supreme Court and Court of Appeals since 1990; thousands of trial court cases tried and/or resolved.

Other Professional Experience

Constitutional Law Instructor, Skagit Valley College; Speaker, Attorney General's Conference on Civil Forfeiture and Criminal Profiteering; Trust/Investment Officer, Rainier Bank.

Education

Law Degree, MM/MBA, Willamette University, 1986; B.A. State Univ. NY 1982.

Community Service

Skagit YMCA, Board of Directors and President; Literacy Volunteer; Big Brother Program

Statement

I want to represent the people of Skagit, Whatcom, San Juan and Island Counties as judge in the Court of Appeals. I have lived and worked here as a lawyer for 28 years, crisscrossing from Langley to Friday Harbor to Anacortes to Blaine to Sedro Woolley to Deming to Bellingham to Concrete and parts in between. As a result, I enjoy the broad backing of many public officials, leaders and clients across the region.

The single most important qualification for a Court of Appeals judge is broad experience handling different kinds of cases in different courts. More than any other candidate, I have that experience, whether with criminal or civil cases, prosecution or defense, appellate cases, or just plain time on the job. I have successfully worked them all, repeatedly, from the simplest traffic infractions to the most complex criminal and commercial disputes, in local and appellate courts, including many before the Court of Appeals and our Supreme Court.

Compare the candidates. You will find that my years of work and experience and skill, *and* my dedication to the pursuit of fairness and justice for everyone in the court system, uniquely qualify me for the privilege of your vote.

Contact

(360) 755-1000; northcascadeslegal@gmail.com;
www.tomseguine.com



Cecily
**Hazelrigg-
Hernandez**

(Nonpartisan)

Legal/Judicial Experience

Attorney (licensed 2007); Owner, Hazelrigg-Hernandez Law Firm; Deputy, Skagit County Public Defender

Other Professional Experience

Manager at National Association for Ethnic Studies; Instructor at Western Washington University; Visiting Instructor at Universidad Latina de America; Legal Services Facilitator at Spokane Child Abuse & Neglect Prevention Center

Education

Oak Harbor High School; ATA, Skagit Valley College; BA, Western Washington University; JD, Gonzaga University School of Law

Community Service

Skagit-Island Community Partnership for Transition Solutions; LBAW Free Legal Clinic; Skagit County Law Day Clinic; Mount Vernon School District parent volunteer; NW United Girls' 06 Classic Team Treasurer; Bellingham YWCA Board of Directors

Statement

Born and raised in Northwest Washington, I attended Oak Harbor schools, SVC and WWU before Gonzaga law school. I am a seasoned trial attorney focusing on criminal law and a former instructor at Western Washington University. My years working as a public defender in the Skagit County courts, teaching at the university level, and demonstrated commitment to community service have uniquely prepared me to represent the residents of Skagit, Whatcom, San Juan and Island Counties at the Court of Appeals.

My legal career has been focused on access to justice and centered on providing quality advocacy for my clients, regardless of their socioeconomic status. I am a bilingual attorney, enabling me to connect with a broader cross-section of our local communities. Sharply inquisitive by nature, my approach to legal representation is thoughtful and reasoned. While I am open and effective in collaborative efforts, I will stand with confidence on independent positions.

I pursued a legal career to engage my love of research, analytical skills and advocacy for the benefit of the community where I live and raise my children. My work ethic is formidable, and I am ready to put it to work for District 3.

Contact

(360) 202-8508; cecilyforcoa@gmail.com; cecilyforcoa.com

Coming July 2019

Voter registration laws will change in time for next year's Primary.



Starting July 2019... New Voter Registration Deadlines

8 days before Election Day: To register by mail or online, your application must be received no later than 8 days before Election Day.

Election Day: Visit a local voting center to register or update your address **in person** no later than 8 p.m. on Election Day.



Future Voter Sign-up

Also starting in July 2019, sixteen and seventeen year olds can sign up as Future Voters and will be registered to vote when they turn eighteen.



Automatic Voter Registration

Applicants who meet all qualifications will be registered to vote when receiving or renewing an enhanced driver's license or identicard, unless they opt out. Starting July 2019.

For full bill information visit app.leg.wa.gov/billinfo
SSB 6021, 2SHB 1513, and E2SHB 2595

Vote in Honor of a Vet

Our right to vote is protected by the extraordinary men and women of the U.S. Armed Forces. Now is your chance to thank them for their service!

The Office of the Secretary of State invites you to recognize active military and veterans from Washington State by posting a personal story and a photo. We'll send you a pin to wear proudly in respect and gratitude for your veteran.

You can participate in 3 easy steps

1

Visit our website
vote.wa.gov/vet



2

Upload your story
and a picture



3

You will receive a pin to
wear on Election Day



Share your story!

vote.wa.gov/vet

Whatcom County Official Local









Voters' Pamphlet

November 6, 2018 General Election




Table of Contents


General Information:

	Page	
Letter from the Auditor	59	
Register to Vote or Update Your Address	59	
Accessible Voting Unit	59	
Voting Instructions	60	
Participating Jurisdictions	60	
Returning Your Ballot	61	
Sample Ballot	62	
Additional Election-Related Information	64	


Candidate Statements:

Whatcom County Prosecuting Attorney	65	
Whatcom County Council At-Large Position B	66	
District Court Judge Position 1	67	
District Court Judge Position 2	67	
Public Utility District 1 Commissioner District 2	68	

Ballot Measures:

City of Bellingham Low-Income Housing Levy	69	
Ferndale School District 502 General Obligation Bonds	70	
Glacier Fire and Rescue Property Tax Levy	71	
Columbia Valley Park and Recreation Property Tax Levy	72	
Complete Text for all Ballot Measures	73	

The Whatcom County Auditor's Office publishes a Local Voters' Pamphlet for each election. If you have any comments or suggestions, please email us. We would like to hear from you!


Icons printed in this pamphlet were supplied by Election Tools (electiontools.org)



Whatcom County Auditor's Office - Election Division Contact Information

Phone:

(360) 778-5102, we accept relay calls

Email:

elections@co.whatcom.wa.us

Website:

www.whatcomcounty.us/auditor

Location:

311 Grand Avenue, Suite 103, Bellingham

Hours:

Monday - Friday: 8:30 am - 4:30 pm*

*Open until 8:00 pm on November 6



Since not everyone voted in the primary, I'd like to point out a couple things that are new about voting in Whatcom County: The State has given a grant to cover pre-paid postage on ballot returns! The hope is it will increase voter participation. This trial study will be evaluated after the General Election to see if it will be continued in future elections. If you decide to return your ballot by mail, remember that your ballot envelope still needs a postmark no later than Election Day to be counted so turn it in to the post office by Monday. If you mail it on Tuesday, it may not get the postmark you need. Ballot drop boxes will still remain open for your use if you prefer that method (see page 61 for a list of drop box locations).

The Auditor's Office has implemented our new ballot counting equipment so the ballot may look a little different. Now you will fill in the oval, not connect the arrow! The system makes ballot processing much faster and efficient.

Lastly, this election IS important! This will determine many important races and ballot measures. You really do make the difference!

Sincerely,

Debbie Adelstein
Whatcom County Auditor



Register to Vote or Update Your Address



Online: Register to vote or update your address online at www.MyVote.wa.gov if you have a current Washington State Driver License or I.D.



Mail: Register to vote or update your address by completing a registration form. Registration forms are available on our website, at city halls and libraries. You may also call the Election Division to have a form mailed to you.



In person: Visit the Whatcom County Auditor's Office, Election Division, Monday through Friday 8:30 am to 4:30 pm.



Registration Deadlines for the November 6 General Election:

- **October 8:** Deadline for online or mail-in registrations and/or updates to a current registration.
- **October 29:** Citizens who are *not registered* in Washington State may come into our office and register in person through Monday, October 30.



Accessible Voting Unit

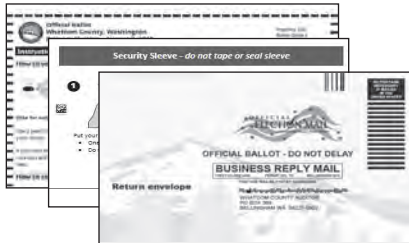


An accessible voting unit (AVU) is equipped with visual and audio technology. Voters requiring reasonable accommodation or assistance may vote on the AVU in the Auditor's Office starting October 17. Contact us for more information.



Voting Instructions

- 1.** The ballot packet for the November 6, 2018 General Election will be mailed to you on October 17. The packet will include your official ballot, a security sleeve, and a return envelope.



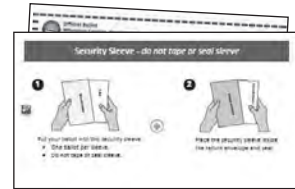
- 2.** To vote the ballot, fill in the oval next to your choice with a blue or black pen. Vote for only one in each measure or contest.



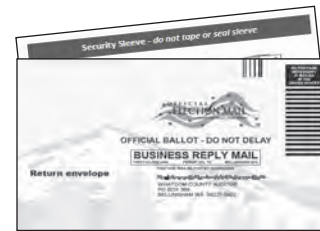
- 3.** Remove the stub at the top of your ballot. *If you forget to remove the stub, your ballot will still be counted.*



- 4.** Place your voted ballot into the security sleeve. *If you forget to put your ballot into the security sleeve, your ballot will still be counted.*



- 5.** Put the ballot/security sleeve into the return envelope and seal.



- 6.** Sign and date your return envelope. Your signature and return envelope are required for your ballot to be counted.

Sign and date below

/ /
 date (month/day)

signature of voter (required) email or phone number (optional, in case there is an issue with your signature)

If you are not able to sign, make a mark in the signature area above. Have your mark witnessed and signed by two people. POA may not sign for voter.

witness 1 signature above
witness 2 signature above

- 7.** Return your ballot to the Whatcom County Auditor's Office by ballot drop box or mail. See page 61 for information on returning your ballot.



Participating Jurisdictions

The districts included in the November 6 General Election are as follows: Whatcom County, Public Utility District 1, City of Bellingham, Ferndale School District 502, Glacier Fire and Rescue, and Columbia Valley Park and Recreation District.



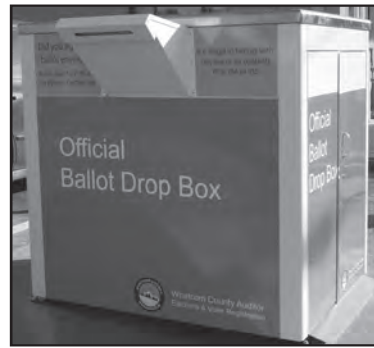
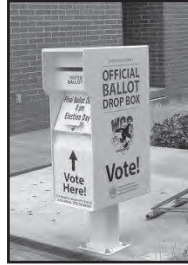
Returning Your Ballot



By Drop Box: No postage needed

Open: October 17

Close: November 6 at 8:00 pm



Drop Box pictures (left to right): WWU at *new* locaton outside the Wade King Rec. Center, WCC, Blaine, and Courthouse parking lot

Available Ballot Drop Box Locations:

Bellingham	Whatcom County Courthouse; in south parking lot or inside at Suite 103	311 Grand Avenue
	WWU, on campus outside the Wade King Student Recreation Center	1880 Bill McDonald Parkway
	Whatcom Community College, on campus beside Heiner Center	237 W. Kellogg Road
	Haggen Sehome Village, northeast corner of parking lot	210 36th Street
Acme	Outside Acme Elementary School	5200 Turkington Road
Birch Bay	North Whatcom Fire & Rescue parking lot	4581 Birch Bay-Lynden Road
Blaine	Blaine Library parking lot	610 3rd Street
Custer	Outside Custer Elementary School	7660 Custer School Road
Deming	Deming Library parking lot	5044 Mt. Baker Highway
Everson	WECU parking lot	106 E. Main Street
Ferndale	Ferndale City Hall parking lot	2095 Main Street
Kendall	North Fork Community Library parking lot	7506 Kendall Road
Lummi	Outside Lummi Nation Administration Building	2665 Kwina Road
Lynden	Outside Lynden Library	216 4th Street
Meridian	Laurel Grange parking lot	6172 Guide Meridian
Point Roberts	Inside the International Marketplace: <i>Drop Box available during store hours.</i>	480 Tye Drive
Sudden Valley	Security Office turnaround	Gate One
Sumas	Behind the Post Office	534 Railroad Avenue



By Mail: No postage needed for *this* election*

Ballots must be postmarked by Election Day, November 6
USPS recommends mailing by Tuesday, October 30

**This year, the State has agreed to pay the postage in an effort to increase voter participation.*



Sample Ballot

Whatcom County, Washington General Election, November 6, 2018

TO VOTE: Vote for only one in each contest. Use a pen to fill in the oval next to your choice. If you vote for more than one choice, no votes will be counted for that race or measure.

HOW TO CORRECT A VOTE: If you make a mistake, draw a line through the incorrect choice. You may then make another choice.

WRITE-IN: To vote for a candidate not listed, write the name on the line provided and fill in the oval.

State Measures

Initiative to the People

Initiative Measure No. 1631

Initiative Measure No. 1631 concerns pollution. This measure would charge pollution fees on sources of greenhouse gas pollutants and use the revenue to reduce pollution, promote clean energy, and address climate impacts, under oversight of a public board.

Should this measure be enacted into law? Yes/No

Initiative Measure No. 1634

Initiative Measure No. 1634 concerns taxation of certain items intended for human consumption. This measure would prohibit new or increased local taxes, fees, or assessments on raw or processed foods or beverages (with exceptions), or ingredients thereof, unless effective by January 15, 2018, or generally applicable.

Should this measure be enacted into law? Yes/No

Initiative Measure No. 1639

Initiative Measure No. 1639 concerns firearms. This measure would require increased background checks, training, age limitations, and waiting periods for sales or delivery of semiautomatic assault rifles; criminalize noncompliant storage upon unauthorized use; allow fees; and enact other provisions.

Should this measure be enacted into law? Yes/No

Initiative to the Legislature

Initiative to the Legislature 940

Initiative Measure No. 940 concerns law enforcement. This measure would require law enforcement to receive violence de-escalation, mental-health, and first-aid training, and provide first-aid; and change standards for use of deadly force, adding a "good faith" standard and independent investigation.

Should this measure be enacted into law? Yes/No

Advisory Votes

Advisory Vote No. 19

Engrossed Second Substitute Senate Bill 6269

The legislature expanded, without a vote of the people, the oil spill response and administration taxes to crude oil or petroleum products received by pipeline, costing \$13,000,000 over ten years for government spending.

This tax increase should be: Repealed/Maintained

READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate.

Federal - Partisan Offices

U.S. Senator

Maria Cantwell (*Prefers Democratic Party*)
Susan Hutchison (*Prefers Republican Party*)

U.S. Representative Congressional District 1

Suzan DelBene (*Prefers Democratic Party*)
Jeffrey Beeler (*Prefers Republican Party*)

U.S. Representative Congressional District 2

Rick Larsen (*Prefers Democratic Party*)
Brian Luke (*Prefers Libertarian Party*)

Not all districts on this sample will appear on your ballot. Only the races that you are entitled to vote on will appear.



State - Partisan Offices

**State Senator
Legislative District 42**

Doug Ericksen *(Prefers Republican Party)*
Pinky Vargas *(Prefers Democratic Party)*

**State Representative
Legislative District 40 Position 1**

Debra Lekanoff *(Prefers Democratic Party)*
Michael Petrish *(Prefers Republican Party)*

**State Representative
Legislative District 40 Position 2**

Jeff Morris *(Prefers Democratic Party)*

**State Representative
Legislative District 42 Position 1**

Justin Boneau *(Prefers Democratic Party)*
Luanne Van Werven *(Prefers Republican Party)*

**State Representative
Legislative District 42 Position 2**

Sharon Shewmake *(Prefers Democratic Party)*
Vincent Buys *(Prefers Republican Party)*

Whatcom County - Partisan Office

Prosecuting Attorney

Eric Richey *(Prefers Democratic Party)*
James Erb *(Prefers Democratic Party)*

Whatcom County - Nonpartisan Office

**County Council At-Large Position B
1-year unexpired term**

Carol Frazey
Mike Peetoom

State Judicial - Nonpartisan Office

Supreme Court Justice Position 2

Susan Owens

Supreme Court Justice Position 8

Nathan Choi
Steve Gonzalez

Supreme Court Justice Position 9

Sheryl Gordon McCloud

**Court of Appeals Division 1
District 3 Judge Position 1**

Tom SeGuine
Cecily Hazelrigg-Hernandez

Whatcom County Judicial - Nonpartisan Office

District Court Judge Position 1

David Grant

District Court Judge Position 2

Matthew Elich

Public Utility District 1 - Nonpartisan Office

Commissioner District 2

Atul Deshmane
Paul D. Kenner

City of Bellingham

**Proposition 2018-5
Low-Income Housing Levy**

The City of Bellingham Council adopted Resolution No. 2018- 09 concerning property taxes for low-income housing and related services.

This proposition would replace and enhance existing levies to fund housing and housing services for people with low or very low incomes by authorizing a (1) property tax increase of \$0.12/\$1,000 in assessed valuation (to \$2.25/\$1,000) for collection in 2019-2028 (the 2019 amount would be used to compute the limitations for subsequent levies for collection in 2020-2028); and (2) regular property tax levy of up to \$0.24/\$1,000 under RCW 84.52.105; each for ten years, together generating \$4,000,000 annually.

Should this proposition be approved? Yes/No

Ferndale School District 502

**Proposition 2018-7
General Obligation Bonds - \$112,000,000**

The Board of Directors of Ferndale School District 502 adopted Resolution No. 5-2018 authorizing bonds to fund several capital projects. This proposition authorizes the District to (1) construct and equip a new high school facility to replace the existing Ferndale High School, modernize the Performing Arts Center and provide for District-wide critical maintenance, safety and security needs including controlled building access and LED security lighting; (2) issue \$112,000,000 of general obligation bonds maturing within a maximum of 22 years, and (3) levy excess property taxes annually to repay the bonds, as provided in Resolution #5-2018.

Should this proposition be: Approved/Rejected



**Glacier Fire and Rescue****Proposition 2018-4
Authorizing Increase of Property Tax Levy**

The Board of Fire Commissioners of Glacier Fire and Rescue, Whatcom County, Washington, adopted Resolution No. 220 authorizing a regular property tax levy of \$0.84 per \$1,000. This proposition would authorize the District to set its regular property tax levy at \$0.84 per \$1,000 of assessed valuation for 2018 and thereafter subject to any otherwise applicable statutory dollar rate limitations. The dollar amount of this levy would be used for the purpose of computing the limitations for subsequent levies under RCW 84.55.050.

Should this proposition be approved? Yes/No

Columbia Valley Park and Recreation District**Proposition 2018-6
Establishing Six Year Regular Property Tax Levy**

The Board of Commissioners of Columbia Valley Park and Recreation District, Whatcom County, Washington, adopted Resolution No. 01-2018 authorizing a regular property tax levy of \$0.44 or less per \$1,000.00. This proposition would authorize the District to establish and maintain its regular property tax levy of \$0.44 or less per \$1,000.00 of assessed valuation for collection in 2019 through 2024 subject to any otherwise applicable statutory dollar rate limitations.

Should this proposition be approved? Yes/No

Public Disclosure Commission:

For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov. or call toll-free (877) 601-2828

Democratic Party Headquarters:

215 W. Holly Street, Suite B27,
Bellingham, WA 98225
(360) 647-7661

Republican Party Headquarters:

2321 E. Bakerview Road, Suite B
Bellingham, WA 98226
(360) 734-5215

MyVote
MyVote.wa.gov

You can register to vote or update your address in Washington State on MyVote. Once registered, you can log in to view personalized voter information, including:

- Details of your voter registration
- An online voter guide for each election
- Information on your elected officials
- Locations of ballot drop boxes
- A list of past elections in which you returned a ballot

**Duties of Elected Officials on the Ballot this Year**

County Council	Vote to approve new laws; power to levy taxes, appropriate revenue and adopt budgets; establish compensation paid to all employees; provide for reimbursement of expenses; adopt comprehensive plans, and hear appeals.
District Court	District Court consists of 2 Judges, elected for 4 years, 1 appointed Commissioner, and professional and paraprofessional staff. The court hears criminal, civil, infraction and miscellaneous cases.
Prosecuting Attorney	Prosecutes criminal and civil actions in superior, district, and juvenile courts and provides legal advice to the county.
Public Utility District 1 Commissioner	The Commission is comprised of three local citizens elected on a nonpartisan basis by Whatcom County residents. They establish PUD policies, set rates, adopt system plans for electric and water utilities, and approve the revenue obligations.

- Where you live determines the issues and candidates you get to vote on.
- To read about the officials that represent you, visit www.MyVote.wa.gov (Select Elected Officials).



Eric Richey

(Prefers Democratic Party)

Elected Experience: First time candidate

Other Professional Experience: Whatcom County Chief Criminal Deputy Prosecutor; in this role, I handle serious cases, supervise 14 attorneys, and lead a weekly

Special Assault meeting for law enforcement, victim advocates, and other stakeholders. In my 25 years of prosecuting crime in Whatcom County, I have handled thousands of criminal cases, including rape, murder, felony assault, animal abuse.

Education: BA, Western Washington University; JD, University of Oregon

Community Service: Brigid Collins Family Support Center, Steering Committee; DVSAS (Domestic Violence and Sexual Assault Services), Board Member; Rotary Club, Member; Whatcom Humane Society, Volunteer; Washington Association of Prosecuting Attorneys, Volunteer; Assistant Coach for Youth Soccer

Statement: This is Whatcom County's first Prosecutor race in a generation. We now have the opportunity to hit reset on how we approach justice and incarceration.

I'm running to be your new Prosecutor and I have the experience and leadership to make needed changes in our system. Under my leadership serious crime will result in serious jail time, but I believe in treatment over incarceration for lower level crimes, addiction disorders, and mental health conditions. We don't need taxpayers to pay for revolving doors in our jail.

For the past five years I've served as your Chief Criminal Deputy Prosecutor, working to protect our community from those who commit serious crimes. I have handled thousands of criminal cases, with 25 years of experience fighting and advocating for victims of crime.

Honored to be endorsed by the Firefighters Local 106, Lummi Nation, Bellingham Police Guild, Whatcom County Deputy Sheriff's Guild, retiring Prosecutor David McEachran, Sheriff Bill Elfo, Public Defender Director Starck Follis, and those who protect our most vulnerable, including Laura Clark, Byron Manering, and Karen Burke. Lifelong Washingtonian and grateful to call Bellingham home for 30 years with my wife Quenby, our two children, our dog (Bumble) and cat (Mr. Cat).

For More Information:

(360) 961-6491
ericrichey2018@gmail.com
www.electericrichey.com



James Erb

(Prefers Democratic Party)

Elected Experience: First Time Candidate.

Other Professional Experience: James is the only candidate with broad experience in *both* the serious criminal and civil cases the Whatcom County Prosecutor faces

including drug trafficking, violent crimes, and multi-million dollar civil lawsuits. After prosecuting hundreds of felony cases, James was promoted to Special Prosecutor for the 10th Judicial Circuit prosecuting child sex offenders. Today, he's an Assistant City Attorney for Bellingham representing taxpayers on issues that affect everyone in Whatcom County.

Education: Florida State University College of Law; University of South Florida

Community Service: Law Advocates Volunteer Attorney; the Innocence Project; Sehome H.S. Mock Trial Team Coach; High School Mentor Program

Statement: After nearly five decades of the same approach, leading to higher costs and mass incarceration, James Erb will bring proven experience and a fresh approach to ensure our County Prosecutor is accountable to you and upholds our laws - and our values.

We've voted twice against higher taxes for a big, expensive jail, yet the Whatcom County Prosecutor's Office fails to make overdue reforms. Let's safely reduce the jail population rather than raise taxes to pay for more jail beds. Unlike the current office, James will fully utilize the county's drug court and focus on community-based treatment for mental illness to reduce crime and save tax dollars.

As a seasoned prosecutor, and the *only* candidate with criminal and civil legal skills, James will focus his leadership on handling our toughest cases, keeping our community safe and bringing the office into the 21st century.

James is the only candidate endorsed by Democrats: Whatcom Democrats, 40th LD, 42nd LD, and Young Democrats; County Councilmembers Byrd, Donovan, Sidhu, Laidlaw (former), and Mann (former); Judge Nichols (Retired), Bellingham Police Chief Carroll (Retired); Bellingham Mayors Linville, Douglas (former); Councilmembers Bornemann, Knutson, Lilliquist, Murphy, Vargas; Equal Rights WA, Lummi Nation; Northwest WA Labor Council; Sierra Club.

For More Information:

(360) 319-5144
james@votejameserb.com
votejameserb.com

**Candidate statements are printed exactly as submitted and are not checked for grammar, punctuation, spelling, or accuracy.*



Carol Frazey

Elected Experience: I am working to earn this seat on the Whatcom County Council.

Other Professional Experience: President of Fit School, Inc., Whatcom County; Community Education Instructor at Whatcom Community College; elementary

and middle school teacher; collegiate athletic coach.

Education: Pennsylvania State University, B.S. Elementary Education; University of Colorado, M.S. Kinesiology.

Community Service: Bellingham School District Teacher Enrichment Instructor; Run Like a Girl Board Member; Volunteer for Community on Track, Girls on the Run and Greater Bellingham Running Club; Past Board Member Whatcom County Childhood Obesity Task Force and Assumption Catholic School Foundation; Past Chair, Assumption Catholic Church Pastoral Care Commission.

Statement: Carol Frazey brings a broad and open perspective to the issues facing Whatcom County. Carol is a business owner, a former public school teacher, and an active community volunteer. She is dedicated to preserving opportunities for all residents

in our community.

Carol grew up on a farm and is the granddaughter of coal miners. Coming from this background, she understands the delicate balance between preserving agricultural livelihoods and maintaining environmental protections. Carol knows that supporting current Whatcom County businesses and attracting innovative industries will provide the living-wage jobs that are essential to the continued growth of our economy.

Carol is the mother of two teenagers who attend Sehome High School, and her husband, Paul, is an instructor at Whatcom Community College. Carol and Paul have been married for 25 years, and have lived in Whatcom County for almost two decades.

Carol cares about Whatcom County's future and is dedicated to examining all sides of any topic considered by the County Council. She will ask questions, research the issues, and ensure all councilmembers hear your voice. Carol will be honored to serve all of Whatcom County on the Council.

For More Information:

(360) 820-0105
 Carol@CarolFrazey.com
 www.CarolFrazey.com



Mike Peetoom

Elected Experience: Director of Birch Bay Chamber of Commerce.

Other Professional Experience: Mike started his career in excavation when he was 16-years-old and his own business when he was 23-years-old. Mike and his wife, Christie, own and operate

two businesses in Whatcom County, Mike Peetoom Construction LLC, and Infinity Dance Company LLC.

Education: Mike participated in the running start program at Bellingham Technical College, where he studied diesel mechanics.

Community Service: Mike serves as a volunteer firefighter. He has donated time and resources to various community non-profits including: Habitat for Humanity, Project Santa Claus, and The Boy Scouts.

Statement: Many of you already know me. I'm an everyday family man and long-time resident of Whatcom County. I enjoy helping others and working to improve our community. But I'm frustrated. I attended a County

Council meeting two years ago and I didn't see anyone like me sitting on the Council. I saw a lot of upset people in the crowd who the representatives on the Council hardly seemed to notice.

Current policies in our county have given many working-class citizens no other choice but to leave our community to find a more affordable place to live and work. The mismanagement of our county is leading to an imbalance. Misguided politics and over-regulation have become our downfall. That can't go on. We need more balance on our County Council. I will work to unite our county and give a voice to the people.

When you elect me to the Whatcom County Council, At-Large, position B, my efforts will be focused on listening to you and bringing balanced solutions to the challenges faced by the average citizen, worker, and business owner of Whatcom County. I appreciate your vote and support. Thank you!

For More Information:

(360) 988-3159
 mikeforwhatcomcounty@gmail.com
 www.mikeforwhatcomcounty.com



David Grant

Legal/Judicial Experience: *Judge*, Whatcom County District Court, 2005 to present. *Deputy Prosecutor*, Whatcom County Prosecutor's Office, 1986 – 2005 (12 years as a criminal trial prosecutor and 6 years as a civil attorney advising and litigating cases for elected officials and county departments).

Other Professional Experience: Police Officer, Lincoln, Nebraska.

Education: *Law Degree*, University of Nebraska; *Master's Degree*, Criminal Justice, Michigan State University; *Bachelor's Degree*, Criminal Justice, University of Nebraska.

Community Service: *Current:* Whatcom Community College – Criminal Justice Program Advisory Committee; Washington Pilots Association; *Past:* Whatcom Dispute Resolution Center; District & Municipal Court Judges' Association.

Statement: I have been honored to serve you as a judge since 2005. The Court and its Probation Department employ 32 highly skilled, talented and dedicated employees. With their efforts the Court has consistently

developed new or improved programs and procedures to enhance access to justice and address current criminal justice and community needs. For example, specialized programming has been put in place to provide better supervision of domestic violence offenders and those with mental health disorders.

Like many businesses, the Court has expanded the array of tasks, such as ticket reviews and payments, that can be accomplished via the internet. Those with smaller civil claims can utilize mediation services to help solve disputes.

With the aid of jail staff and administration, the Court has been able to implement an array of alternatives to traditional incarceration. Sentenced offenders typically serve sentences on electronic home detention or on community service or work programs. For those requiring some form of pretrial supervision, many are released pending trial with minimally invasive forms of electronic or personal reporting alternatives delivered through jail or probation staff.

I am proud to be a part of this effort. I would be honored to receive your vote.

For More Information:
(360) 671-6221
reelectjudgegrant@gmail.com



Matthew Elich

Legal/Judicial Experience: District Court Judge, District Court Commissioner, pro-tem Hearing Examiner for Whatcom and Island Counties, prosecutor for the City of Bellingham, City Attorney for Blaine and Nooksack, private law practice.

Other Professional Experience: Commercial fisherman/Alaska and Washington.

Education: Graduate, Sehome High School, 1973. Graduate, University of Washington, Phi Beta Kappa, Cum Laude, 1978, and the University of Puget Sound School of Law, 1985.

Community Service: Current member of a Pretrial Process Work Group advising the Whatcom County Incarceration Prevention and Reduction Task Force. Past Board Member Children's Museum, Big Brothers/Sisters; past member Bellingham Bay Rotary.

Statement: Judge Elich has been on the District Court bench since 2001 and is the most experienced judge in that court. He brought many new programs to the District Court including the first ever domestic violence calendar, enhanced probation services for both domestic violence offenders and those with mental health issues, volunteer mediators in small claims court, on-line mitigation for traffic tickets, and other programs to facilitate access to the court.

Judge Elich currently presides over the Whatcom County Mental Health Court and was instrumental in its creation. He is working to expand the court which diverts offenders from the criminal justice system and into effective mental health treatment and supervision.

For More Information:
(360) 296-4788
melich1003@gmail.com

*Candidate statements are printed exactly as submitted and are not checked for grammar, punctuation, spelling, or accuracy.



Atul Deshmane

Elected Experience: Whatcom County Planning Commission (2yrs)

Other Professional Experience: I am President of Whole Energy Fuels Corp (since 2006). I managed teams at clean energy companies like Clean Energy

Fuels developing vehicles and infrastructure for clean energy. I received the Ford Trade Secret Award in 1998 while at Ford Motor Co. I am co-inventor on three clean energy patents and an expert reviewer for the U.S. Dept of Energy and SDTC in Canada.

Education: Bachelor of Science Degree in Electrical Engineering and graduate education in Industrial Engineering.

Community Service: Board Member of Sustainable Bellingham and Three Rivers Cooperative School.

Statement: As a community and business leader, I work to create opportunities for sustainable energy. If elected, I will bring technical knowledge and experience to the PUD. We can invest more into our local economy

by generating electricity from renewable resources and thereby reduce pollution, gain autonomy, and create jobs.

Living in a rural community, I know PUD should help to support water conservation and expanded broadband internet (high speed). I will encourage conservation of our freshwater resources to meet the needs of residents, farms, fish, and local business. PUD can also deploy broadband to underserved rural communities. I believe we can learn from Anacortes and its broadband fiber optic infrastructure.

As a public servant on our county's Planning Commission, I continue to bring forward policies to promote clean energy. If elected to serve as your PUD Commissioner, I will work to deploy more green power for the people of Whatcom County. Washington Conservation Voters has endorsed me because of my life long dedication to renewable energy. You can learn more about my campaign by visiting VoteAtul.com.

For More Information:

(206) 446-1333
adeshman@yahoo.com
www.voteatul.com



Paul D. Kenner

Elected Experience: Commissioner, Whatcom Public Utility District No. 1, since 1980.

Other Professional Experience: Top executive at Snapper Shuler Kenner Insurance since 1974.

Education: University of Washington graduate with a

degree in business administration.

Community Service: Paul Kenner has served as board president of Whatcom Family YMCA, board president of Lynden Chamber of Commerce and president of Whatcom Community College Board of Trustees.

Statement: One of our quiet success stories locally for many years has been Whatcom County Public Utility District No. 1. As one of three nonpartisan commissioners, I'm proud to have collaborated with fellow commissioners and PUD No. 1 staff members in supporting key Whatcom County industries and the many family-wage jobs they create while also protecting the environment and conserving resources.

During my current term, we've improved the PUD's water and electric infrastructure, implemented a proactive maintenance plan and been a leader in watershed management planning. I've also supported PUD No. 1 efforts to assist local water associations. We've obtained several state grants that ensure rural residents receive safe drinking water.

PUD No. 1 is a business with a total annual cash flow in 2017 estimated at \$21 million. Prudent financial management by commissioners and staff has enabled it to thrive without seeking property taxes from residents and businesses.

I'm supported by people throughout Whatcom County, including County Executive Jack Louws and Lynden Mayor Scott Korthuis. As a longtime county resident and a commissioner since 1980, I'm eager to contribute to the continued success of PUD No. 1. I'd appreciate your vote in the Nov. 6 general election.

For More Information:

(360) 319-3951
4kenner@comcast.net



**City of Bellingham
Proposition 2018-5
Low-Income Housing Levy**

See page 73 for complete text.

Language on the Ballot:

The City of Bellingham Council adopted Resolution No. 2018-09 concerning property taxes for low-income housing and related services.

This proposition would replace and enhance existing levies to fund housing and housing services for people with low or very low incomes by authorizing a (1) property tax increase of \$0.12/\$1,000 in assessed valuation (to \$2.25/\$1,000) for collection in 2019-2028 (the 2019 amount would be used to compute the limitations for subsequent levies for collection in 2020-2028); and (2) regular property tax levy of up to \$0.24/\$1,000 under RCW 84.52.105; each for ten years, together generating \$4,000,000 annually.

Should this proposition be approved? Yes/No

Explanatory Statement:

This measure would fund production and preservation of homes, rental assistance, support services, and down payment assistance for low-income households. Two-thirds of the funding would assist very low-income households, and the remaining third would assist low-income households. A family of two earning less than \$30,450 annually is very low-income, and a family of two earning less than \$48,750 is low-income. Funding priorities would be set forth in an Administrative and Financing Plan adopted by the City Council following recommendations by a citizen advisory committee to the Mayor and Council. The plan will be coordinated with existing City housing programs.

Statement For:

Vote Yes to Renew the Bellingham Home Fund!! Everyone should have a home they can afford.

Thanks to Bellingham voters, our community has built and preserved hundreds of affordable homes for veterans, seniors, working families, and people with disabilities. Since 2012, every dollar of Bellingham Home Fund investment has been matched by eight dollars of private, state, and federal funds. We now have the opportunity to keep delivering on that record of success.

City residents agree that housing and homelessness are top priorities. Rents have gone way up, but wages have not. Long housing waiting lists include too many veterans, seniors, children, and people with disabilities. Hundreds of these households are homeless. Affordable homes to rent are in short supply.

Renewing the Bellingham Home Fund will continue to help. The Bellingham Home Fund is building and preserving almost 700 affordable homes for Bellingham families. With your vote, we can expand that to 1,200 homes that will benefit families for decades to come. Now, more than ever, we need to provide a stable future for Bellingham's seniors, veterans, people with disabilities, and working families. Check out the Bellingham Home Fund's many endorsements and details at www.BellinghamHomeFund.org.

Statement For prepared by:
Greg Winter, Steve Clarke, and Steve Nelson

Statement Against:

No statement submitted.

Rebuttal of Statement For:

No statement submitted.

Rebuttal of Statement Against:

No statement submitted.



Ferndale School District 502
Proposition 2018-7
General Obligation Bonds - \$112,000,000

See page 78 for complete text.

Language on the Ballot:

The Board of Directors of Ferndale School District 502 adopted Resolution No. 5-2018 authorizing bonds to fund several capital projects. This proposition authorizes the District to (1) construct and equip a new high school facility to replace the existing Ferndale High School, modernize the Performing Arts Center and provide for District-wide critical maintenance, safety and security needs including controlled building access and LED security lighting; (2) issue \$112,000,000 of general obligation bonds maturing within a maximum of 22 years, and (3) levy excess property taxes annually to repay the bonds, as provided in Resolution #5-2018.

Should this proposition be: Approved/Rejected

Explanatory Statement:

Passage of Proposition 2018-7 would allow Ferndale School District No. 502 to borrow \$112,000,000 by issuing general obligation bonds. In accordance with Resolution No. 5-2018 approving this proposition, the bonds will pay for planning, constructing, and equipping a new high school facility to replace Ferndale High School; modernizing the Performing Arts Center; and providing for various projects across the district such as controlled building access, exterior lighting, security fencing, critical maintenance upgrades, water tanks, roofing, fire panels, and security systems. The bonds would be repaid out of annual property tax levies over a period of up to 22 years.

Statement For:

Ferndale kids deserve the educational opportunities and facilities needed to succeed in the 21st century. A large group of dedicated community members developed the details of this bond over a five-month period, using information provided by local professionals and District employees to determine the most pressing facility needs.

Having a skilled, educated and qualified workforce is fundamental to our community's economic strength. Students entering the workforce with more knowledge and skills will be competitive in local and global markets. This bond provides 21st century improvements necessary to support academic, career and technical education today and into the future.

A community oversight committee made up of skilled, local volunteers will have access to information to monitor bond-related spending. The committee will promote open communication and foster responsibility to our kids and our community for our future.

To invest in the educational experience of all Ferndale kids for years to come, vote "Yes" Great communities have great schools. It's a Matter of Pride! To learn more go to www.supportferndaleschools.com.

Statement For prepared by:

Bud Larson, Maralise Fegen, and Victor Boulos

Statement Against:

No statement submitted.

Rebuttal of Statement For:

No statement submitted.

Rebuttal of Statement Against:

No statement submitted.



**Glacier Fire and Rescue
Proposition 2018-4
Authorizing Increase of Property Tax Levy**

See page 80 for complete text.

Language on the Ballot:

The Board of Fire Commissioners of Glacier Fire and Rescue, Whatcom County, Washington, adopted Resolution No. 220 authorizing a regular property tax levy of \$0.84 per \$1,000. This proposition would authorize the District to set its regular property tax levy at \$0.84 per \$1,000 of assessed valuation for 2018 and thereafter subject to any otherwise applicable statutory dollar rate limitations. The dollar amount of this levy would be used for the purpose of computing the limitations for subsequent levies under RCW 84.55.050.

Should this proposal be approved? Yes/No

Explanatory Statement:

This measure establishes the levy for Glacier Fire and Rescue at \$0.84 per \$1,000 of assessed valuation. This is a \$0.31 per \$1,000 increase. This levy is the primary source of revenue for Glacier Fire and Rescue. State limitations on revenue increases do not allow the District to keep up with increasing costs. Passage of Proposition 2018-4 will allow the District to set the levy rate at \$0.84 per \$1,000 of assessed valuation. Voter approval of Proposition 2018-4 will provide funding for the District to continue to provide a consistent level of fire and emergency medical services to its residents.

Statement For:

Glacier Fire Dept. provides EMS & Fire service to our community and visitors. As the last town on the road, our fire & EMS volunteers are the primary responders along 25 miles of SR 542 east of Glacier. Our volunteers are known for their skills and technical abilities in these remote areas.

Our service area is the largest in the county, our budget is the smallest; The commissioners have been good stewards of the tax dollars given them, successfully managing the dept. with a tax rate half that of others in the county. As proud as we are of our fiscal responsibility, we must raise our levy from 57 cents to 84 cents per thousand. The proposed rate will still be lowest in the County. This request will allow Glacier Fire & Rescue the resources to recruit and retain volunteers. Keeping volunteers engaged, trained & equipped to meet requirements have become more costly than our current resources can support Our community expects to have well-trained & equipped responders to their 911 calls. Having our volunteers able to safely and properly use the tools and equipment provided is our most basic responsibility. Supporting our fire department is supporting our community.

Statement For prepared by:

Ben Thompson, Jan Eskola, and Tim Coralline

Statement Against:

No statement submitted.

Rebuttal of Statement For:

No statement submitted.

Rebuttal of Statement Against:

No statement submitted.



**Columbia Valley Park and Recreation District
Proposition 2018-6
Establishing Six Year Regular Property Tax Levy**

See page 81 for complete text.

Language on the Ballot:

The Board of Commissioners of Columbia Valley Park and Recreation District, Whatcom County, Washington, adopted Resolution No. 01-2018 authorizing a regular property tax levy of \$0.44 or less per \$1,000.00. This proposition would authorize the District to establish and maintain its regular property tax levy of \$0.44 or less per \$1,000.00 of assessed valuation for collection in 2019 through 2024 subject to any otherwise applicable statutory dollar rate limitations.

Should this proposition be approved? Yes/No

Explanatory Statement:

This measure establishes a six (6) year regular property tax levy rate for the Columbia Valley Park and Recreation District. This levy will be the primary source of funding for parks and recreation services to be provided by the District. Currently, the District has no funding. Passage of Proposition 2018-6 allows the District to establish the levy rate to \$0.44 or less per \$1,000.00 of assessed valuation for a six (6) year period as otherwise authorized by law. Voter approval of Proposition 2018-6 provides funding to begin construction and maintenance of parks within the District's boundaries.

Statement For:

With the establishment of the Columbia Valley Parks and Recreation District (CVPRD) we as a community overwhelmingly voted yes on the value of opportunities for recreation and casual gathering spaces in our neighborhoods. Our communities will benefit greatly from local parks near our homes. To do this work the CVPRD will need the support of residents in the form of a levy tax.

This tax will allow equipment and land to be purchased for the formation of 3-4 local parks. These community gathering spaces will be planted in different neighborhoods so that no one need walk more than ½ mile to visit a park!

A vote of Yes will allow continued maintenance of these spaces. We encourage each citizen to envision our community with parks for the young and old of our community and vote once again, resoundingly Yes to parks.

Statement For prepared by:

Jessica Bee, Richard Whitson, and Rebecca Boonstra

Statement Against:

We oppose The Park Levy, Resolution 01-2018, for the following reasons:

Our residential divisions already have a lot of traffic. These parks will draw a lot more traffic to our community. This will increase even more when the new division is finally developed.

Noise could be a problem if parks are open 24 hours a day. How will these parks be secured at night to prevent gangs and drug dealers from congregating? Will there be amenities, such as drinking fountains, restrooms, benches for the elderly, playground equipment, or basketball courts for the kids?

We already have levies that we are paying, and this will increase our taxes.

Statement For prepared by:

Rhonda Breault and Hevy R. Hollowell

Rebuttal of Statement For:

No statement submitted.

Rebuttal of Statement Against:

No statement submitted.

RESOLUTION NO. 2018-09

A RESOLUTION RELATING TO LOW-INCOME HOUSING; REQUESTING THAT A SPECIAL ELECTION BE HELD CONCURRENT WITH THE NOVEMBER 6, 2018 GENERAL ELECTION FOR SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSITION TO LIFT THE LIMIT ON REGULAR PROPERTY TAXES UNDER CHAPTER 84.55 RCW FOR LOW-INCOME HOUSING; DECLARING THE EXISTENCE OF AN EMERGENCY UNDER CHAPTER 84.52.105 AND REQUESTING VOTER APPROVAL OF AN ADDITIONAL PROPERTY TAX FOR VERY LOW-INCOME HOUSING; PROVIDING FOR THE EXPIRATION OF THE ADDITIONAL LEVIES AT THE END OF TEN YEARS; SETTING FORTH THE BALLOT PROPOSITION; DESIGNATING A CITIZEN LEVY ADVISORY COMMITTEE; AND PROVIDING FOR IMPLEMENTATION OF PROGRAMS WITH FUNDS DERIVED FROM THE TAXES AUTHORIZED.

WHEREAS, City Council has adopted equity and social justice as legacies for the City of Bellingham;

WHEREAS, the City Council is committed to supporting safe, affordable housing and services for lower-income residents in order to promote equity and social justice;

WHEREAS, a healthy community is one in which all members have access to basic needs such as safe, secure, and affordable homes, yet homes remain unaffordable for a significant percentage of Bellingham residents;

WHEREAS, households face a severe burden when housing costs (including utilities) exceed 50 percent of household income;

WHEREAS, U.S. Census data has estimated that there are 7,680 low-income households in Bellingham that face a severe housing cost burden by having to pay more than 50 percent of their income on housing costs;

WHEREAS, over 1,000 low-income seniors in Bellingham pay more than 50 percent of their income on housing costs and face challenges in repairing their homes without financial assistance;

WHEREAS, at any point in time, over 700 people are homeless in Whatcom County, according to the annual Point-in-Time Count, and 15 percent of all people experiencing homelessness in Bellingham are children under 10 years of age, with adverse childhood experiences that have profound and long-lasting negative consequences;

WHEREAS, the Bellingham Housing Authority has closed waiting lists for public housing, with 750 households listed, 93 percent of which earn less than 30% of the Area Median Income and 41 percent are families with disabilities;

WHEREAS, the Bellingham Housing Authority has 1,181 households on the closed waiting list for rental assistance vouchers, with an average waiting time to receive assistance of nearly a year for those on the waiting list;

WHEREAS, roughly one-third of Bellingham's housing stock is over 50 years old, requiring repair, maintenance and weatherization that is often not affordable to low-income households;

WHEREAS, local wages are not keeping pace with Bellingham's housing costs, with median rent increasing by 72 percent and median wages increasing by 46 percent since 2000;

WHEREAS, according to the U.S. Census, the median value of homes increased 137 percent from 2000 to 2016, while median family income increased 41 percent;

WHEREAS, the creation of more affordable housing options near employment centers is good for the environment, reduces long commutes with associated pollution, lowers commuting expenses, reduces traffic congestion, and avoids road widening costs;

WHEREAS, Bellingham voters passed levies to provide revenue for the Bellingham Home Fund in 2012, resulting in \$3,000,000 raised annually for low-income housing and services;

WHEREAS, the Bellingham Home Fund is on track to meet or exceed all goals adopted as part of the administrative and financial plan for the levy revenue, including supporting the addition of 405 completed housing units and another 183 units that are under contract to be built;

WHEREAS, each \$1 from the Bellingham Home Fund has been used as matching money to leverage an average of over \$8 of other private and public funding for housing affordability;

WHEREAS, as a condition of receiving federal funding for low-income housing, the City of Bellingham administers affordable housing programs with citizen oversight, including preparation of five-year strategic plans, performance measures and outcomes, and annual action plans;

WHEREAS, the City of Bellingham has efficiently administered the Bellingham Home Fund in conjunction with its existing programs that manage federal funding for housing affordability;

WHEREAS, Chapter 84.55 RCW generally limits the dollar amount of regular property taxes that a city may levy in any year, but RCW 84.55.050 allows a city to levy taxes exceeding such limit by majority approval of the voters, allows a

city to include in the ballot proposition a limit on the purpose for which the additional taxes levied will be used and allows the proposition to provide for the expiration of the additional taxing authority;

WHEREAS, the proposed additional levy is within the limitations set by RCW 84.52.043;

WHEREAS, RCW 84.52.105 authorizes a city to impose additional regular property tax levies to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levy;

WHEREAS, RCW 35.21.685 authorizes a city to assist in the development or preservation of publicly or privately owned housing for persons of low income by providing loans or grants of general municipal funds to the owners or developers of the housing, including loans or grants to finance the acquisition, construction or rehabilitation of low-income housing, and to provide rental assistance and other supportive services to low-income persons;

WHEREAS, the terms "Bellingham Home Fund" and "Low-Income Housing Fund" are used interchangeably throughout this resolution;

WHEREAS, the Council has determined that it is the best interest of the City to submit to the voters the question of whether to replace and enhance the existing housing levies which are set to expire at the end of 2019 by proposing replacement levies to collect up to \$0.36 per \$1,000 assessed valuation (both levies combined) each year for a period of 10 years or less starting at the beginning of 2019; and

WHEREAS, the City intends that in 2019, if the measure passes, it will collect up to \$0.36 per \$1,000 assessed valuation for Housing Levy Programs based on the proposed replacement housing levies if approved, and will collect \$.00 per \$1,000 based on the existing housing levies so that the total revenue collected for Housing Levy Programs in 2019 and in the following 9 years will be \$4,000,000 annually.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM AS FOLLOWS:

Section 1. Findings. The City Council makes the following findings and declares as follows:

- A. The City's Consolidated Plan and Housing Element of the Comprehensive Plan identify insufficient safe, sanitary, and decent housing that is affordable to low-income and very low-income households to meet the present and anticipated needs of such households, including homes affordable for local working people, U.S. military veterans, families with children, people with limited or fixed incomes including senior citizens, and people having a disability.
- B. Affordable rental housing for low-income households, including the homeless, other persons with special needs, families and seniors, often requires a commitment of City funds for development or preservation, or other forms of assistance.
- C. Promoting and preserving home ownership for low-income households contributes to the stability of families and neighborhoods; helps preserve the physical condition of residential properties; and addresses the shortage of safe, sanitary, affordable housing by both maintaining and enhancing the supply of owner-occupied housing.
- D. The additional taxes to be levied under this resolution will enable the City to provide for the housing needs of low-income and very low-income households and thereby work to fulfill the purposes of federal, state and City laws and policies, including the federal HOME Investment Partnerships Act, federal Housing and Community Development Act, the State Growth Management Act, and the City's Comprehensive Plan.
- E. An emergency exists with respect to the availability of housing that is affordable to very low-income households in the City of Bellingham.

Section 2. Definitions. The following terms used in this resolution shall have the definitions stated below, unless the context otherwise clearly requires:

- A. "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities, other than telephone, of no more than 30 percent of the household's income.
- B. "Low-income housing" means housing that will serve "low-income households."
- C. "Household" means a single person, family or unrelated persons living together.
- D. "Low-income household" means a household with income less than or equal to eighty percent (80%) of median income.
- E. "Median income" means annual median family income for the statistical area or division thereof including Bellingham for which median family income is published from time to time by the U.S. Department of Housing and Urban Development, or successor agency, with adjustments according to household size.

F. "Very low-income household" means a household with income less than or equal to 50 percent of median income as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

To the extent permitted by applicable State law, income determinations may take into account such exclusions, adjustments and rules of computation as may be prescribed or used under federal housing laws, regulations or policies for purposes of establishing income limits, or as may be established in City housing and community development plan documents consistent with federal laws, regulations or policies.

Section 3. Proposition to Authorize a Levy to Continue Raising Additional Regular Property Taxes.

The City submits to the qualified electors of the City a proposition as authorized by RCW 84.55.050(1), to exceed the levy limitation on regular property taxes contained in Chapter 84.55 RCW for property taxes levied in 2018 through 2027 for collection in 2019 through 2028, respectively. The proposition would also authorize an additional property tax levy to finance affordable housing for very low-income households under RCW 84.52.105. The proposition would raise \$4,000,000 per year totaling \$40,000,000 in aggregate over a period of up to ten years.

A. The proposition would permit the City to increase its regular property tax levy by up to \$0.12 per \$1,000 of assessed valuation pursuant to RCW 84.55.050, resulting in a regular property tax levy of \$2.25 per \$1,000 for collection in 2019. All the levy proceeds shall be used for the purposes specified in Section 5 of this resolution.

B. In addition, the proposition would also authorize the City to impose an additional regular property tax levy of up to \$0.24 per \$1,000 of assessed valuation to finance affordable housing for very low-income households pursuant to RCW 84.52.105. The limitations in RCW 84.52.043 shall not apply to the tax levy authorized by this part. All the levy proceeds shall be used for the purposes specified in Section 5 of this resolution.

C. The taxes authorized by this proposition will be in addition to the maximum amount of regular property taxes the City would have been allowed to levy within the limitations provided for in RCW 84.55.010 in the absence of voter approval under this resolution, plus other authorized lid lifts. Thereafter, such levy amount would be used to compute limitations for subsequent years as allowed by chapter 84.55 RCW. Pursuant to RCW 84.55.050(5), the maximum regular property taxes that may be levied in 2028 for collection in 2029 and in later years shall be computed as if the proposition under this resolution had not been approved and the City had made levies at the maximum rates which would otherwise have been allowed under chapter 84.55 during the years levies were made under the proposition.

D. The City intends that in 2019, if the measure passes, it will collect up to \$0.36 per \$1,000 assessed valuation for Housing Levy Programs based on the proposed replacement housing levies if approved, and will collect \$.00 per \$1,000 based on the existing housing levies so that the total revenue for Housing Levy Programs collected in 2019 and in the following 9 years will be \$4,000,000 annually, and so that the proposed levy will be made less than twelve months after the election on the proposition as required by RCW 84.55.050(1).

Section 4. Levy Revenues.

A. Unless otherwise directed by resolution or ordinance of the City Council, all revenues collected from the additional taxes authorized pursuant to this resolution shall be deposited initially in the Low-Income Housing Fund to be used as set forth in Section 5 and as described in the Housing Levy Administrative and Financial Plan, as may be adopted by the City Council under Sections 5 and 6 of this resolution. The Finance Director is authorized to create other subfunds or accounts within the Low-Income Housing Fund as may be needed or appropriate to implement the purposes of this resolution.

B. Pending expenditure for the purposes authorized in this resolution, amounts deposited in the Low-Income Housing Fund pursuant to this resolution may be invested in any investments permitted by applicable law. All investment earnings on the balances shall be deposited into the Low-Income Housing Fund. Amounts received by the City from payments with respect to loans, recovery of grants, insurance proceeds or proceeds of sale or disposition of property ("program income") shall be deposited into the Low-Income Housing Fund unless otherwise specified by resolution or ordinance. Any investment earnings and program income derived from revenues collected from the additional taxes authorized pursuant to this resolution shall be used for the purposes set forth in this resolution and as authorized by the City Council.

Section 5. Administration; Use of Proceeds.

A. The levy funds shall be used to pay for affordable housing for low-income and very low-income households, pay for affordable housing programs, and otherwise to provide for the housing needs of low-income and very low-income households; provided that all funds raised from the levy authorized by RCW 84.52.105 shall be dedicated to affordable housing for very low-income households.

B. The Planning and Community Development Department, or such other department as may be designated by resolution, shall administer programs funded with the additional taxes authorized pursuant to this resolution. Any programs adopted by the City Council for use of the funds derived under this resolution shall be referred to as "Housing Levy Programs." Housing Levy Programs shall be implemented consistent with the Housing Levy Administrative and Financial Plan, as may be adopted by the City Council and as may thereafter be amended from time to time.

C. The Housing Levy Programs, with estimated targets, are shown in Exhibit 1, attached hereto. The City Council, upon recommendation of the Citizen Advisory Committee described in Section 7 of this resolution, or upon recommendation of the Mayor or on its own motion, may review the allocations to particular Housing Levy Programs and make changes to the programs, including additions and deletions of programs and/or in the timing of or amount of funds allocated to any program, consistent with the purposes of this resolution and applicable law. Administration funding shown on Exhibit 1 is intended to be used for administration of the use of levy proceeds for all programs, including but not limited to developing the Housing Levy Administrative and Financial Plan, preparing and reviewing loan and grant applications, monitoring and auditing performance and compliance with loan, grant and program requirements, and paying for financial accounting, legal, and other administrative services necessary to implement the Housing Levy Programs.

Section 6. Housing Levy Administrative and Financial Plan.

A. The City has adopted a Housing Levy Administrative & Financial Plan to cover the years 2013-2019 ("Plan") covering Housing Levy Programs. The Director of Planning and Community Development, or other such person as may be designated by the Director or the Mayor, shall prepare updates to the current Plan or a new Plan, as needed. The Plan shall cover the period commencing in 2019 and continuing through 2028 (or until the funds are expended if funds remain beyond this time period); shall identify the intended use of funds raised by the levy authorized by RCW 84.52.105; shall be consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended; and shall be approved by City Council. The Plan will continue to satisfy the requirement set forth in RCW 84.52.105(2)(b).

B. The expenditure of all funds raised pursuant to this resolution shall be as set forth in the Plan adopted by City Council. The City Council reserves the right to amend the Plan as it may in the future be determined as necessary or appropriate. The Plan should be done in coordination with the Consolidated Plan and Annual Action Plans required by HUD for expenditure of HOME and CDBG funds for the benefit of low-income housing and community development needs in the City.

C. The City Council shall appropriate from the Low-Income Housing Fund, as part of the City budget, such monies derived from the levies authorized in this resolution as it deems necessary to carry out the Housing Levy Programs.

D. The Mayor, or other such person as may be designated by the Mayor, is authorized, for and on behalf of the City, to select projects for funding and to approve, make and modify loans, grants or other expenditures to carry out the Housing Levy Programs, provided that such authority is subject to the appropriation of sufficient funds and the Plan approved by City Council pursuant to Sections 5 and 6. The Mayor and his or her designees are further authorized, for and on behalf of the City, to execute and deliver such documents and instruments as he or she may determine to be necessary or appropriate to implement the financing of specific projects or to otherwise carry out the Housing Levy Programs.

Section 7. Citizen Levy Advisory Committee.

The Community Development Advisory Board ("CDAB"), established pursuant to BMC 2.46.010, shall advise the Mayor, City Council, and the Director of Planning and Community Development regarding the Housing Levy Programs authorized by this resolution. CDAB shall advise the Mayor and City Council on the Plan prepared pursuant to Section 6 of this resolution. CDAB shall also assist in monitoring the progress, performance, and accomplishments of Housing Levy Programs, and report such findings to the Mayor and City Council, including any problems and recommendations on actions to be taken so that the Housing Levy Programs are conducted in a timely and efficient manner for the benefit of low-income households.

Section 8. Election - Ballot Title.

The City Council hereby requests that the Whatcom County Auditor, as *ex officio* supervisor of elections, call and conduct a special election in the manner provided by law and submit to the qualified electorate of the City for a vote, concurrent with the November 6, 2018 general election, a proposition substantially in the form set forth in this resolution. The City Clerk is directed to certify to the Whatcom County Auditor the ballot proposition to the electorate of the City in the form substantially as follows:

PROPOSITION 2018-5
Low-Income Housing Levy

The City of Bellingham Council adopted Resolution No. 2018-09 concerning property taxes for low-income housing and related services.

This proposition would replace and enhance existing levies to fund housing and housing services for people with low or very low incomes by authorizing a (1) property tax increase of \$0.12/\$1,000 in assessed valuation (to \$2.25/\$1,000) for collection in 2019-2028 (the 2019 amount would be used to compute the limitations for subsequent levies for collection in 2020-2028); and (2) regular property tax levy of up to \$0.24/\$1,000 under RCW 84.52.105; each for ten years, together generating \$4,000,000 annually. Should this proposition be approved?

Yes..... []

No..... []

Section 9. Corrections.

The Bellingham City Attorney's Office or the Auditor or her designee is authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's or clerical errors, references, resolution numbering, section/subsection numbers and any references thereto and to make corrections and revisions consistent with the requirements of the offices of the Whatcom County Auditor that do not change the substantive meaning of this resolution.

Section 10. Severability.

If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution. This resolution shall be liberally construed to permit the accomplishment of the City's purposes and objectives.

PASSED by the Council this 4th day of June, 2018. Roxanne Murphy, Council President.

APPROVED by me this 14th day of June, 2018. Kelli Linville, Mayor.

Attest: Brian Henshaw, Finance Director. Approved as to Form: Peter Ruffatto, Office of the City Attorney.

EXHIBIT 1
2019-2028 HOUSING LEVY PROPOSED PROGRAM ESTIMATES

Program	Est. Total Funding (10 Years)	Estimated Housing Produced/Households Assisted	Program Description/Affordability Levels
Production and Preservation of Homes	\$21,700,000	580 homes	<ul style="list-style-type: none"> Homes for people working at minimum wage, veterans, seniors on fixed incomes, and people exiting homelessness (households at or below 30% of median income) Homes for local workers, working families up to 60% of median income Affordable and specialized homes for veterans, people with disabilities, and seniors. Rehabilitation and weatherization to increase affordability and preserve existing affordable homes
Rental Assistance and Support Services	\$13,600,000	3,000 households	<ul style="list-style-type: none"> Supportive services matched to specialized homes for disabled veterans and homeless individuals to help them retain their homes and reduce costly care in hospital emergency department and other inappropriate systems of care Temporary and long-term assistance to families and individuals to help preserve their housing, prevent eviction and homelessness (targeted households at or below 50% of median income) Temporary and long-term assistance to those experiencing homelessness, including emergency shelter options
Low-income homebuyer assistance	\$1,800,000	55 homes	<ul style="list-style-type: none"> Assistance to low-income homebuyers, including programs that promote long-term affordability of ownership housing (targeted to households at or below 80% of median income)
Acquisition and Opportunity Loans	\$500,000	20 homes	<ul style="list-style-type: none"> To be added to \$750,000 already set aside for short-term loans for strategic purchases of buildings or land for rental or homeownership housing development that will serve low-income households
Administration	\$2,400,000	n/a	<ul style="list-style-type: none"> 6% of total
TOTAL	\$40,000,000		

RESOLUTION NO. 5-2018

A RESOLUTION of the Board of Directors of Ferndale School District No. 502, Whatcom County, Washington, providing for the form of the ballot proposition and specifying certain other details concerning submission to the qualified electors of the district at a special election to be held therein on November 6, 2018, of a proposition for the issuance of its general obligation bonds in the aggregate principal amount of \$112,000,000, or so much thereof as may be issued under the laws governing the indebtedness of school districts for the purpose of providing funds for the renovation, upgrade and new construction of school facilities, and authorizing the Superintendent and/or Assistant Superintendent for Business and Operations to submit a request for eligibility for the Washington State School District Credit Enhancement Program.

WHEREAS, improved facilities are needed in Ferndale School District No. 502, Whatcom County, Washington (the "District") in order to provide the students of the District with safe, adequate and efficient educational facilities; and

WHEREAS, in order to provide all or a part of the funds to enable the District to undertake its needed capital improvement program, it is deemed necessary and advisable that the District issue and sell its unlimited tax general obligation bonds to provide funds for such purposes; and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether or not such bonds may be issued and sold for such purposes must be submitted to the qualified electors of the District for their ratification or rejection; and

WHEREAS, in RCW ch. 39.98 (the "Credit Enhancement Act"), the State Legislature established a credit enhancement program (the "Program") for voter-approved school district general obligation bonds; and

WHEREAS, Section 39.98.040 of the Credit Enhancement Act authorizes the state treasurer to make a determination that a school district is eligible for participation in the Program if the state treasurer determines that the District is eligible under rules adopted by the state finance committee; and

WHEREAS, the District may elect to participate in the Program upon an administrative determination that it is cost-effective;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FERNDAL SCHOOL DISTRICT NO. 502, WHATCOM COUNTY, WASHINGTON, as follows:

Section 1. Findings. This Board of Directors (the "Board") hereby finds and declares that the best interest of the students and other inhabitants of the District require the District to carry out the plans hereinafter provided at the time or times and in the order deemed most necessary and advisable by the Board.

Section 2. Capital Improvements. The District shall make the following capital improvements (the "Improvements"):

- Construct and equip a new high school to replace Ferndale High School;
- Modernize and upgrade the Performing Arts Center at Ferndale High School, to include sound, light, stage curtain, HVAC and technology systems and repurpose classrooms for design and storage space; and
- Provide for Safety and Security projects throughout the District, to include controlled access doors for each building and reconfiguration of entrances as needed for controlled access, exterior LED lighting and additional security fencing for buildings as necessary; and
- Provide for critical major maintenance needs to include District-wide upgrades, repairs and replacements to include HVAC controls, digital data controls, water tanks, roofing, fire panels and safety and security systems.

The cost of all necessary planning, architectural, engineering, and other consulting services, inspection and testing, administrative and relocation expenses, on and off-site utilities, related improvements and other costs incurred in connection with the making of the foregoing capital improvements shall be deemed a part of the costs of the Improvements. Such Improvements shall include all necessary furniture, equipment and appurtenances.

If available funds are sufficient from the proceeds of the general obligation bonds herein authorized in Section 3 for the above purposes (the "Bonds"), the District may use such funds to acquire sites for facilities of the District or to pay the principal of or interest on the Bonds. In the alternative, if available funds are sufficient from the proceeds of Bonds authorized for the above purposes and/or state and local circumstances require, the District may use such funds to acquire, construct, equip, modernize and make other capital improvements to the facilities of the District, all as the Board of Directors may determine, after holding a public hearing thereon pursuant to RCW 28A.530.020.

It is anticipated that the District may receive funds from the State of Washington (the "State") pursuant to Chapter 28A.525 RCW. The District intends to apply such funds to the completion of the Improvements described in Section 2 and if not required for those purposes, then to pay principal of and/or interest on the Bonds. Such funds may also be used to make other capital improvements to the facilities of the District, but only after holding a public hearing thereon pursuant to RCW 28A.530.020.

Section 3. Authorization of Bonds. For the purpose of providing all or a part of the funds necessary to pay the cost of the Improvements, together with incidental costs and costs related to the sale and issuance of the Bonds, the District shall issue and sell its Bonds which shall be unlimited tax general obligation bonds in the principal amount of not to exceed \$112,000,000. The balance of the cost of the Improvements shall be paid with funds received from the State or out of any

money which the District now has or may later have on hand which are legally available for such purposes. None of said Bond proceeds shall be used for the replacement of equipment or for any other than a capital purpose. The Bonds shall be issued in an amount not exceeding the amount approved by the qualified electors of the District as required by the Constitution and laws of the State or exceeding the amount permitted by the Constitution and laws of the State.

Section 4. Details of Bonds. The Bonds provided for in Section 3 hereof shall be sold in such amounts and at such time or times as deemed necessary and advisable by this Board and as permitted by law, shall bear interest at a rate or rates not to exceed the maximum rate permitted by law at the time the bonds are sold, and shall mature in such amounts and at such times within a maximum term of twenty two (22) years from date of issue, but may mature at an earlier date or dates, as authorized by this Board and as provided by law. The Bonds shall be general obligations of the District and, unless paid from other sources, both principal thereof and interest thereon (including original issue discount) shall be payable out of annual tax levies to be made upon all the taxable property within the District without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms and maturities of the Bonds shall be as hereafter fixed by resolution of the Board. After voter approval of the Bond proposition described in Section 5 and in anticipation of the issuance of the Bonds, the District may issue short term obligations as authorized and provided by Chapter 39.50 RCW.

Section 5. Election. It is hereby found and declared that the best interests of the District requires the submission to the qualified electors of the District of the proposition of whether the District shall issue the Bonds at a special election to be held on November 6, 2018. The Whatcom County Auditor as *ex officio* supervisor of elections is hereby requested also to call and conduct the special election to be held within the District and to submit to the qualified electors of the District the proposition set forth below. The Secretary of the Board is hereby authorized and directed to certify the proposition to said officials in the following form:

PROPOSITION 2018-7
FERNDALE SCHOOL DISTRICT 502
GENERAL OBLIGATION BONDS - \$112,000,000

The Board of Directors of Ferndale School District No. 502 adopted Resolution No. 5-2018 authorizing bonds to fund several capital projects. This proposition authorizes the District to (1) construct and equip a new high school facility to replace the existing Ferndale High School, modernize the Performing Arts Center and provide for District-wide critical maintenance, safety and security needs including controlled building access and LED security lighting; (2) issue \$112,000,000 of general obligation bonds maturing within a maximum of 22 years, and (3) levy excess property taxes annually to repay the bonds, as provided in Resolution #5-2018. Should this proposition be:

Approved.....[]
Rejected.....[]

The Secretary of the Board of Directors is hereby authorized to deliver a certified copy of this resolution to the Whatcom County Auditor.

Section 6. Notices relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the Board hereby designates the (a) Assistant Superintendent for Business & Support Services (Mark Deebach), telephone: 360-383-9203; fax: 360-383-9201; email: mark.deebach@ferndalesd.org, and (b) bond counsel, K&L Gates LLP (Cynthia Weed), telephone: 206.370.7801; fax: 206.370.6201; email: cynthia.weed@klgates.com, as the individuals to whom the Whatcom County Auditor shall provide such notice. The Secretary of the Board is authorized to approve changes to the ballot title, if any, deemed necessary by the Whatcom County Auditor or the Office of the Whatcom County Prosecuting Attorney.

Section 7. Request for Eligibility for the Credit Enhancement Program. In preparation for the issuance and sale of the Bonds after approval by the voters, the Board hereby requests that the State Treasurer issue a certificate of eligibility in favor of the District for participation by the District in the Program with respect to the Bonds. The Superintendent and/or Assistant Superintendent for Business and Operations is hereby authorized (following voter approval) to submit such applications, resolutions and certifications as shall be required by the State Treasurer in reviewing the District's request for participation.

Section 8. Severability. In the event that any provision of this resolution shall be held to be invalid, such invalidity shall not affect or invalidate any other provision of this resolution or the Bonds, but they shall be construed and enforced as if such invalid provision had not been contained herein; provided, however, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 9. Effective Date. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Directors of Ferndale School District No. 502, Whatcom County, Washington, at a regular meeting held this 26th day of June, 2018. FERNDALE SCHOOL DISTRICT NO. 502, WHATCOM COUNTY, WASHINGTON Directors; Kevin Erickson, Candice Wilson, Hugh Foulke, Lee Anne Riddle, and Paul McLaurin.

ATTEST and CERTIFICATE: Linda Quinn, Secretary of the Board of Directors.

RESOLUTION NO. 220**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF GLACIER FIRE AND RESCUE, WHATCOM COUNTY, WASHINGTON INCREASE OF REAL PROPERTY TAX LEVY**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF GLACIER FIRE AND RESCUE (#19), PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE DISTRICT AT AN ELECTION TO BE HELD WITHIN THE DISTRICT ON NOVEMBER 6, 2018, IN CONJUNCTION WITH THE STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE, OF A PROPOSITION AUTHORIZING A LEVY OF A PROPERTY TAX NOT TO EXCEED \$0.84 PER \$1,000 OF TRUE AND ASSESSED VALUATION SUBJECT TO OTHERWISE APPLICATION STATUTORY LIMITATIONS.

WHEREAS, it is the judgment of the Board of Commissioners of the District that it is essential and necessary for the protection of the health and life of the residents of the District that fire and emergency medical services be provided by the District. Such services will necessitate the expenditures of revenues for station maintenance, operations, equipment and personnel in excess of those which can be provided by the District's regular tax revenue levied at the current rate of approximately \$0.53 per \$1,000 of assessed valuation of taxable property within the District as limited by the 101% limitation.

WHEREAS, the Board of Commissioners has determined that the one percent limit factor established by RCW 84.55.010 will not be sufficient to provide for the expected cost increases required to maintain and increase the level of services currently provided by the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Glacier Fire and Rescue (#19), as follows:

Section 1. In order to provide fire protection, prevention and emergency medical services in the District, it is necessary for the District to operate and maintain emergency fire and medical services vehicles and to maintain station facilities to be staffed by properly trained personnel and equipment with proper firefighting and emergency medical equipment and to train and retain volunteers.

Section 2. In order to provide the revenue adequate to pay the costs of providing adequate life protection services and facilities as described in Section 1 and to maintain reserve funds sufficient to assure the continuation of such services, the District shall, in accordance with RCW 84.55.050, remove the limitation in regular property taxes imposed by RCW 84.55.010 and levy beginning in 2018 and collect beginning in 2019 pursuant to RCW 52.76.130, RCW 52.16.140 and RCW 52.16.160, a general tax on taxable property within the District as a rate of \$0.84 per \$1,000 of assessed valuation subject to otherwise applicable statutory limits.

Section 3. The amount levied in 2018 shall serve as the District's tax levy base for purposes of applying the limit factor established by RCW 84.55.010 in subsequent years.

Section 4. There shall be submitted to the qualified electors of the District for their ratification or rejection, at a general election on November 6, 2018, in conjunction with the state general election to be held on the same date, the question of whether or not the regular property tax levy of the District should be increased to \$0.84 per \$1,000 of the true and assessed valuation subject to otherwise applicable statutory limitations. The Auditor of Whatcom County, as ex officio Supervisor of Elections, is hereby requested to call such election, and to submit the following proposition as such election, in the form of a ballot title substantially as follows:

**Glacier Fire and Rescue
Proposition 2018-4
Authorizing Increase of Property Tax Levy**

The Board of Fire Commissioners of Glacier Fire and Rescue, Whatcom County, Washington, adopted Resolution No. 220 authorizing a regular property tax levy of \$0.84 per \$1,000. This proposition would authorize the District to set its regular property tax levy at \$0.84 per \$1,000 of assessed valuation for 2018 and thereafter subject to any otherwise applicable statutory dollar rate limitations. The dollar amount of this levy would be used for the purpose of computing the limitations for subsequent levies under RCW 84.55.050. Should this proposal be approved?

Yes ()

No ()

ADOPTED at a regular meeting of the Board of Commissioners of Glacier Fire and Rescue, Whatcom County, Washington, on the 11th day of April, 2018 of which notice was given in the manner provided by law, the following Commissioners being present and voting. GLACIER FIRE AND RESCUE Commissioners: Jan Eskola, Tim Coralline, and Steven Siekkinen.

CERTIFICATION: Jan Eskola, District Secretary

**COLUMBIA VALLEY PARKS AND RECREATION DISTRICT
RESOLUTION NO. 01-2018**

A RESOLUTION of the Board of Commissioners (the "Board") of Columbia Valley Parks and Recreation District (the "District"), Whatcom County, Washington providing for the submission to the voters of the District at an election to be held therein on November 6, 2018, in conjunction with the State general election to be held on the same day, a proposition authorizing a regular property tax levy of \$0.44 or less per \$1,000.00 of assessed valuation for each of six (6) consecutive years. This proposition would authorize the District to set and maintain a regular property tax levy of \$0.44 or less per \$1,000.00 of assessed valuation for 2018 to be collected in each year succeeding the year of the levy for six (6) consecutive years pursuant to RCW 36.69.145 and subject to any otherwise applicable statutory dollar rate limitations, all as more particularly set forth herein.

WHEREAS, the District was formed in 2016 pursuant to a vote submitted to the voters within the District boundaries under Chapter 36.69 RCW for purposes of constructing and maintaining public parks within the District's boundaries, and;

WHEREAS, the District has no regular property tax levy authority unless the voters of the District vote to approve a six (6) year regular property tax levy pursuant to RCW 36.69145, and;

WHEREAS, without the voters' approval for a regular property tax levy, the District has no funds with which to permit the District to begin constructing and/or maintaining public parks within its boundaries, thereby rendering the District unable to provide new sources of recreation within the District, and that it is, therefore, necessary that the regular property tax levy of the District be set at \$0.44 or less per \$1,000.00 for a six (6) year period on taxable property within the District (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), in order for the District to have funds to begin undertaking the purposes for which it was created, and;

WHEREAS, the Constitution and the laws of the State of Washington require that the question of whether such taxes may be levied must be submitted to the qualified electors of the District for their ratification or rejection.

NOW, THEREFORE be it resolved by the Board of Commissioners of the Columbia Valley Parks and Recreation District as follows:

Section 1. The Auditor of Whatcom County, Washington, as ex officio Supervisor of Elections (the "Auditor"), in conjunction with the State general election to be held on November 6, 2018, to submit to the voters of the District, for their approval or rejection, a proposition of whether the regular property tax levy of the District shall be set at and maintained at \$0.44 or less per \$1,000.00 of assessed value for six (6) consecutive years; such levy to be for collection in 2018 and thereafter in each of the allowed six (6) years, on all the taxable property within the District (such assessed value representing 100% of true and fair value unless specifically provided otherwise by law), and the dollar amount of this levy would be used for the purpose of computing the limitations for subsequent levies under RCW 36.69145, subject to otherwise applicable statutory limitations.

Section 2. Pursuant to RCW 36.69.145 and RCW 29A.36.071, as amended, the Whatcom County Prosecuting Attorney is requested to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

COLUMBIA VALLEY PARK AND RECREATION DISTRICT
WHATCOM COUNTY, WASHINGTON
PROPOSITION 2018-6
ESTABLISHING SIX YEAR REGULAR PROPERTY TAX LEVY

The Board of Commissioners of Columbia Valley Parks and Recreation District, Whatcom County, Washington, adopted Resolution No. 01-2018 authorizing a regular property tax levy of \$0.44 or less per \$1,000.00. This Proposition would authorize the District to establish and maintain its regular property tax levy of \$0.44 or less per \$1,000.00 of assessed valuation for collection in 2019 through 2024 subject to any otherwise applicable statutory dollar rate limitations. Should this proposal be approved?

LEVY YES
LEVY NO

Section 3. The Secretary of the District is directed: (a) to certify to the Auditor a copy of this Resolution No. 01-2018 showing its adoption by the Board at least 84 days prior to the date of such general election, and; (b) to perform such other duties as are necessary and required by law in submitting to the voters of the District at the aforesaid election the proposition of whether such excess tax levy shall be made.

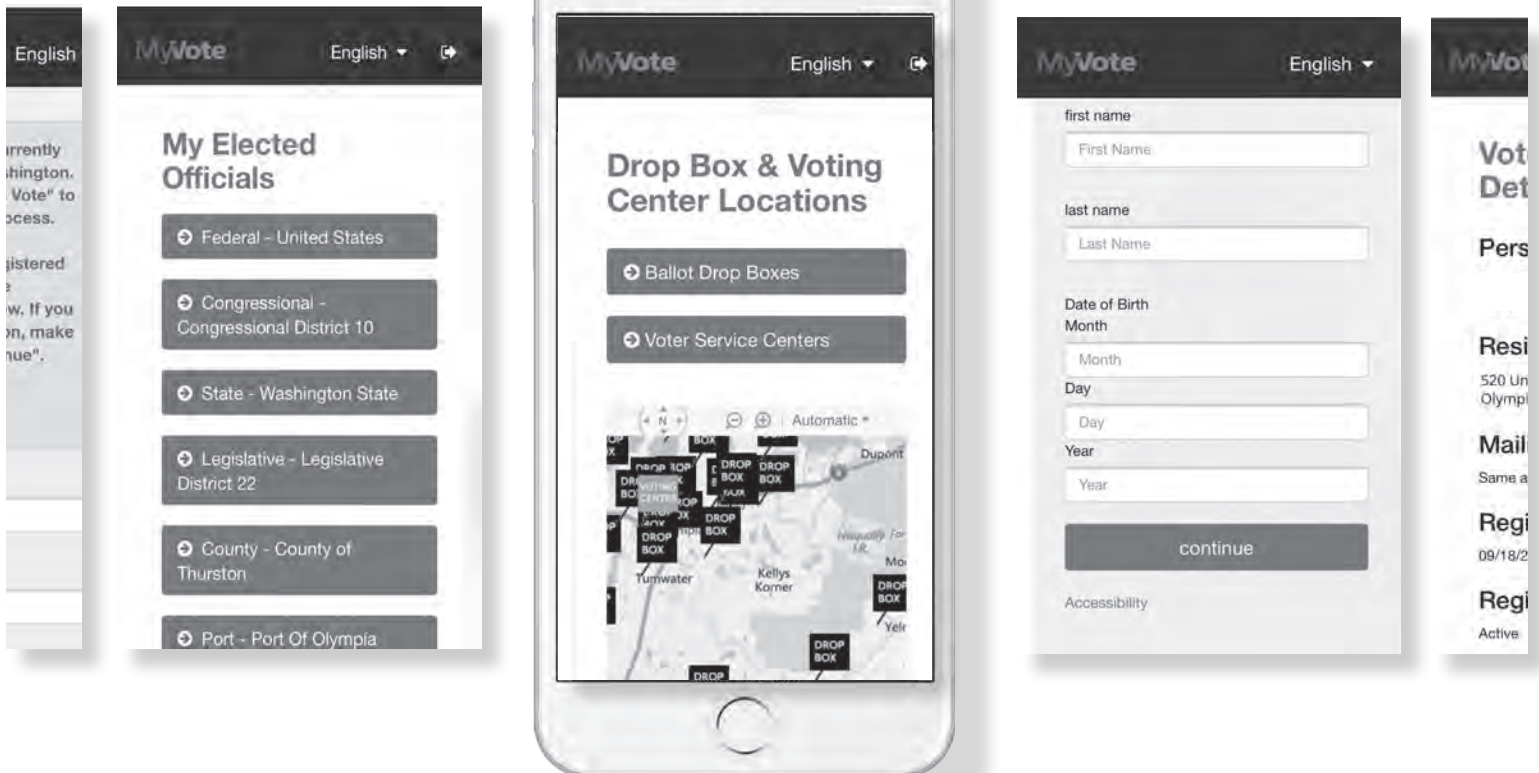
ADOPTED by the Board of Commissioners of Columbia Valley Parks and Recreation District, at an open public meeting thereof this 12th day of July, 2018, of which notice was given in the manner provided by law, the following Commissioners being present and voting. Columbia Valley Park and Recreation District Commissioners; Jessica Bee, Rebecca Boonstra, Angela Curtis-Polley, Richard Whitson, and Carl Isom-McDaniel.

ATTEST and CERTIFICATION: Rebecca Boonstra, District Secretary Board of Commissioners

Fast, Responsive, Convenient

Voter tools and information
at your fingertips

Visit MyVote.wa.gov and **get started now!**



I am a . . .



Military or overseas voter

You can register to vote anytime on or before Election Day. You may receive your ballot by mail, email, or fax. Spouses and dependents who are also away from home have the same voting rights.



New Washington resident

Welcome! You can register to vote online, by mail, in person, or when you get your new Washington state driver's license or ID at the Department of Licensing. You may not vote in more than one place, so cancel your previous voter registration.



College student

You can register to vote using either your home or school address, but you may not register to vote in more than one place. Your ballot can be mailed to you anywhere in the world; however, your residential address must remain in Washington.



Seasonal resident

You can vote in Washington even if you're away during an election. To ensure you receive your ballot, update your mailing address online or with your county elections department. Your ballot can be mailed to you anywhere in the world; however, your residential address must remain in Washington. You may not vote in more than one place.



Convicted felon

If you were convicted of a felony, your right to vote is restored when you are no longer under Department of Corrections supervision. You must register to vote in order to receive a ballot.



How do I read measure text?

Language in double parentheses with a line through it is existing state law; it will be taken out of the law if this measure is approved by voters.

~~((sample of text to be deleted))~~

Underlined language does not appear in current state law but will be added to the law if this measure is approved by voters.

sample of text to be added

Complete Text

Initiative Measure No. 1631

AN ACT Relating to reducing pollution by investing in clean air, clean energy, clean water, healthy forests, and healthy communities by imposing a fee on large emitters based on their pollution; and adding a new chapter to Title 70 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. FINDINGS AND DETERMINATIONS. The people of the state of Washington make the following findings and determinations:

(1) The intent of this chapter is to protect Washington for our children, our grandchildren, and future generations by quickly and effectively reducing pollution and addressing its negative impacts.

(2) Fossil fuel consumption and related pollution contribute directly to climate change and the regional effects of global warming, which harm Washington's health, economy, natural resources, environment, and communities. This harm includes, but is not limited to, intensified storms, droughts, sea level rise, increased flooding, more frequent and severe wildfires, and other adverse impacts to forests, agriculture, wildlife, fisheries, rivers, and the marine environment.

(3) Investments in clean air, clean energy, clean water, healthy forests, and healthy communities will facilitate the transition away from fossil fuels, reduce pollution, and create an environment that protects our children, families, and neighbors from the adverse impacts of pollution. Funding these investments through a fee on large emitters of pollution based on the amount of pollution they contribute is fair and makes sense. A pollution fee offsets and alleviates burdens to which those emitters directly contribute.

(4) The transition to the clean energy economy will have tremendous economic and job growth benefits. Washington's tradition of innovation and technology development combined with the funding available under this chapter will

increase economic opportunity, enhance economic and environmental sustainability, and create and support family-sustaining jobs across the state. The business community will play a critical role in leading this transition and in reducing pollution.

(5) Both pollution itself and transitioning to a society that prioritizes clean air, clean energy, clean water, healthy forests, and healthy communities disproportionately impact some people, workers, and communities more than others, including communities within pollution and health action areas. The use of a pollution fee to offset and alleviate those impacts is appropriate to ensure a successful and just transition.

(6) The investments authorized in this chapter constitute the purchase of pollution reduction and the protection of Washington's clean air, clean water, healthy forests, and healthy communities.

NEW SECTION. Sec. 2. SHORT TITLE. This act may be known and cited as the Protect Washington Act.

NEW SECTION. Sec. 3. CLEAN UP POLLUTION FUND.

(1) The clean up pollution fund is created in the state treasury. All receipts collected from the pollution fee imposed by this chapter must be deposited in the fund. The department of revenue is authorized to create subfunds or subaccounts as may be necessary or appropriate to implement the purposes of this chapter. Receipts collected from the pollution fee imposed by this chapter may only be spent after appropriation into the clean up pollution fund.

(2) After reasonable administrative costs:

(a) Seventy percent of total expenditures under this act must be used for the clean air and clean energy investments authorized under section 4 of this act;

(b) Twenty-five percent of total expenditures under this act must be used for the clean water and healthy forests investments authorized under section 5 of this act; and

(c) Five percent of total expenditures under this act must be used for the healthy communities investments authorized under section 6 of this act.

(3) The board may authorize deviation from the allocations in subsection (2) of this section if there are an insufficient number of interested or eligible programs, activities, or projects seeking funding or if the board otherwise determines that variance from the prescribed allocation is critically important to achieve the purposes of this chapter.

(4) Compliance with the allocations required in subsection (2) of this section may be calculated based upon the average expenditures from the fund over any four-year period.

(5) In addition to the requirements of subsection (2) of this section, each year the total investments made under this chapter must meet the following requirements:

(a) A minimum of thirty-five percent of total investments authorized under this chapter must provide direct and meaningful benefits to pollution and health action areas.

(b) A minimum of ten percent of the total investments authorized under this chapter must fund programs, activities, or projects that are located within the boundaries of and provide direct and meaningful benefits to pollution and health action areas. An investment that meets the requirements of both this subsection (5)(b) and of (a) of this subsection may count towards the requisite minimum percentage for both subsections.

(c) A minimum of ten percent of the total investments authorized under this chapter must be used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (5)(c) and of (a) of this subsection may count towards the requisite minimum percentage for both subsections. However, investments under this subsection (5)(c) are in addition to, and may not count towards, the requisite minimum percentage for (b) of this subsection. Programs, activities, or projects for which credits are authorized pursuant to section 4(6) of this act may, but are not required to, count towards the requisite minimum percentage for this subsection (5)(c).

(d) For the purposes of this subsection, “benefits” means investments or activities that:

(i) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of the pollution and health action area;

(ii) Meaningfully protect the pollution and health action area from, or support community response to, the impacts of climate change; or

(iii) Meet a community need identified by vulnerable members of the community that is consistent with the intent of this chapter and endorsed by the environmental and economic justice panel.

(6) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights, including but not limited to prohibitions on uses of public funds imposed by the state Constitution.

(7) Public entities, including but not limited to state agencies, municipal corporations, and federally recognized tribes, and not-for-profit and for-profit private entities are eligible to receive investment funds authorized under this chapter.

(8) Funding under this chapter and credits authorized under section 4(6) of this act may be invested in pilot tests and other market and technology development projects that are designed to test the effectiveness of the proposed project, program, or technology.

NEW SECTION. Sec 4. CLEAN AIR AND CLEAN ENERGY INVESTMENTS.

(1) The clean air and clean energy account is created in the state treasury. All moneys directed to the account from the

clean up pollution fund created in section 3 of this act must be deposited in the account. Money in the account must be used for programs, activities, or projects that yield or facilitate verifiable reductions in pollution or assist affected workers or people with lower incomes during the transition to a clean energy economy, including but not limited to:

(a) Programs, activities, or projects that deploy eligible renewable energy resources, such as solar and wind power;

(b) Programs, activities, or projects, including self-directed investments, that increase the energy efficiency or reduce carbon emissions of industrial facilities, including but not limited to proposals to implement combined heat and power, district energy, or on-site renewables, such as solar and wind power, to upgrade existing equipment to more efficient models, to reduce process emissions, and to switch to less carbon-intensive fuel sources, especially converting fossil fuel sources of energy to nonfossil fuel sources;

(c) Programs, activities, or projects, including self-directed investments, that increase energy efficiency in new and existing buildings, with a goal of creating carbon neutral buildings across the state;

(d) Programs, activities, or projects that reduce transportation-related carbon emissions, including but not limited to programs, activities, or projects that:

(i) Accelerate the deployment of zero-emission fleets and vehicles, including off-road and maritime vehicles, create zero-emission vehicle refueling infrastructure, or deploy grid infrastructure to integrate electric vehicles and charging equipment;

(ii) Reduce vehicle miles traveled or increase public transportation, including investing in public transit, transportation demand management, nonmotorized transportation, affordable transit-oriented housing, and high-speed rural broadband to facilitate telecommuting options such as telemedicine or online job training; or

(iii) Increase fuel efficiency in vehicles and vessels where options to convert to zero-emissions, low-carbon fuels, or public transportation are cost-prohibitive and inapplicable or unavailable;

(e) Programs, activities, or projects that improve energy efficiency, including programs, activities, or projects related to developing the demand side management of electricity, district energy, or heating and cooling, and investments in market transformation of energy efficiency products;

(f) Programs, activities, or projects that replace the use of natural gas with gas not derived from fossil fuels, including but not limited to biomethane and synthetic gas. Programs, activities, or projects may include investments that address the incremental cost of nonfossil fuel gas or investments that expand the manufacture or delivery of nonfossil fuel gas;

(g) Programs, activities, or projects that deploy distributed generation, energy storage, demand side management technologies, and other grid modernization projects; or

(h) Programs, activities, or projects that result in sequestration of carbon, including but not limited to sequestration in aquatic marine and freshwater natural resources, agricultural lands and soils, terrestrial, riparian, and aquatic habitats, and working forests. Funding under this subsection (1)(h) may not fund legally required land management responsibilities, such as requirements under the forest practices act or other pertinent land use regulations.

(2)(a) The department of commerce, working with the panels, the Washington State University extension energy program, the department of transportation, and in consultation with the utilities and transportation commission, investor-owned and consumer-owned utilities, and other experts and agencies, and after review of other states' plans to reduce carbon pollution or investment strategies for greenhouse gas reduction, shall develop pollution reduction investment plans and proposed rules that describe the process and criteria to disburse funds from the clean air and clean energy account in compliance with this section. All investment plans and proposed rules required by this subsection must follow this same process.

(i) The department of commerce shall propose and submit to the board for approval an initial investment plan, processes, and procedures for investments made under this section, which the board shall review and approve by January 1, 2020. The investment plan, processes, and procedures govern investments made under this section until the permanent investment plan required by (a)(ii) of this subsection is adopted by rule.

(ii) By January 1, 2022, the department of commerce shall draft and submit to the board a permanent investment plan and proposed rules for the board to review and approve through the rule-making process. Upon adoption of the final rules by the board, the adopted investment plan supersedes the initial investment plan authorized under (a)(i) of this subsection.

(iii) The department of commerce shall propose updates to the permanent investment plan and proposed rules every four years for review and approval by the board through the rule-making process.

(b) The investment plans must prescribe a competitive project selection process that results in a balanced portfolio of investments containing a wide range of technology, sequestration, and emission reduction solutions that efficiently and effectively reduce the state's carbon emissions from 2018 levels by a minimum of twenty million metric tons by 2035 and a minimum of fifty million metric tons by 2050 while creating economic, environmental, and health benefits. The emission reductions to be achieved under the plan should, in combination with reductions achieved under other state policies, achieve emissions reductions that are consistent with the state's proportional share of global carbon reductions that will limit global temperature increases to two degrees centigrade and preferably below one and one-half degrees centigrade.

(3)(a) For investments authorized under subsection (1)(h) of this section:

(i) The department of natural resources shall develop proposed procedures, criteria, and rules for a program to sequester carbon through blue carbon projects.

(ii) The department of agriculture shall develop proposed procedures, criteria, and rules for a program to increase soil sequestration and reduce emissions from the loss and disturbance of soils, including the conversion of grassland and cropland soils to urban development.

(iii) The recreation and conservation office shall develop proposed procedures, criteria, and rules for a grant program that funds projects to prevent the conversion and fragmentation of working forests, farmland, and natural habitats of all types; expands habitat and working forest connectivity; promotes reforestation; funds the acquisition of permanent conservation easements or fee simple title with deed restrictions that result in increased forest carbon sequestration through the implementation of improved forest management practices that safeguard ecological benefits, protect habitat, and provide sustainable jobs in rural communities; and supports management activities that improve landscape-scale ecological functions to protect water, soils, and habitat for fish, wildlife, and plants and reduce potential for emissions of greenhouse gases. The program must prioritize and rank projects that effectively capture and store carbon and provide a diversity of additional ecological benefits.

(b) Procedures and criteria for the programs, activities, or projects created under (a)(ii) and (iii) of this subsection must retain sufficient flexibility to serve as a source of matching funds from other sources and to allow for a portion of the funds awarded to provide for the long-term costs of stewardship obligations on lands protected under those programs, activities, or projects.

(c) The proposed procedures, criteria, and rules for the programs, activities, or projects created under (a)(ii) and (iii) of this subsection must be developed in consultation with the panels and must be submitted to the board for final review and approval by January 1, 2020.

(4)(a) There must be sufficient investments made from the clean air and clean energy account to prevent or eliminate the increased energy burden of people with lower incomes as a result of actions to reduce pollution, including the pollution fees collected from large emitters under this chapter. At a minimum, fifteen percent of the clean air and clean energy account is dedicated to investments that directly reduce the energy burden of people with lower incomes. Additional funds from the clean air and clean energy account must be allocated for program development, recruitment, enrollment, and administration to achieve the intent of this subsection. Investments are in addition to programs, activities, or projects funded through credits authorized under subsection (6) of this section. After the first effectiveness report is issued, the environmental and economic justice

panel may make recommendations to the board on measures to better achieve the intent of this subsection.

(b) The department of commerce or, for credits authorized pursuant to subsection (6) of this section, a light and power business or gas distribution business shall:

(i) In meaningful consultation with people with lower incomes and with the environmental and economic justice panel, develop a draft plan that identifies programs, activities, or projects that achieve the intent of this subsection and maximize the number of people with lower incomes benefiting at levels appropriate to need. The draft plan must be submitted to the board for final review and approval.

(ii) Prioritize programs, activities, and projects that create the following sustained energy burden reductions:

(A) Energy affordability through bill assistance programs and other similar programs;

(B) Reductions in dependence on fossil fuels used for transportation, including public and shared transportation for access and mobility;

(C) Reductions in household energy consumption, such as weatherization; and

(D) Community renewable energy projects that allow qualifying participants to own or receive the benefits of those projects at reduced or no cost.

(iii) In consultation with community-based nonprofit organizations and Indian tribes as appropriate, design and implement comprehensive enrollment campaigns that are language and culturally appropriate to inform and enroll people with lower incomes in the assistance programs authorized under this subsection. The campaign must also inform people with lower incomes of other energy cost reduction programs for which they may be eligible. The campaign should strive to achieve enrollment of one hundred percent of people with lower incomes. The department of commerce may contract with third parties to carry out the requirements of this subsection.

(c) Programs, activities, or projects that count toward the expenditures required by section 3(5)(a) of this act may not be counted toward the minimum expenditures required by this subsection.

(5) Within four years of the effective date of this section, a minimum balance of fifty million dollars of the clean air and clean energy account must be set aside, replenished annually, and maintained for a worker-support program for bargaining unit and nonsupervisory fossil fuel workers who are affected by the transition away from fossil fuels to a clean energy economy. The department of commerce, in consultation with the environmental and economic justice panel, may allocate additional moneys from the fund if necessary to meet the needs of eligible workers in the event of unforeseen or extraordinary amounts of dislocation.

(a) Worker support may include but is not limited to full wage replacement, health benefits, and pension contributions for every worker within five years of retirement; full wage replacement, health benefits, and pension contribu-

tions for every worker with at least one year of service for each year of service up to five years of service; wage insurance for up to five years for workers reemployed who have more than five years of service; up to two years of retraining costs including tuition and related costs, based on in-state community and technical college costs; peer counseling services during transition; employment placement services, prioritizing employment in the clean energy sector; relocation expenses; and any other services deemed necessary by the environmental and economic justice panel.

(b) The department of commerce, in consultation with the environmental and economic justice panel, shall develop draft rules, procedures, and criteria, to identify affected workers and administer this program. These draft rules, procedures, and criteria must be submitted to the board for final review and approval through the rule-making process.

(6)(a) A qualifying light and power business or gas distribution business may claim credits for up to one hundred percent of the pollution fees for which it is liable under this chapter. Credits may be authorized for, and in advance of, investment in programs, activities, or projects consistent with a clean energy investment plan that has been approved by the utilities and transportation commission, for investor-owned utilities and gas distribution businesses, or the department of commerce, for consumer-owned utilities.

(b) Clean energy investment plans must be developed by a qualifying light and power business or gas distribution business in meaningful collaboration with stakeholders, including the board and the panels. The qualifying light and power business or gas distribution business shall solicit public input and submit the clean energy investment plan for review and approval by the commission, for investor-owned utilities and gas distribution businesses, or the department, for consumer-owned utilities.

(c) To receive approval, the clean energy investment plan must:

(i) Identify investments aligned with the pollution reduction investment plan, targets, and goals authorized under and identified in subsection (2) of this section. Eligible investments include:

(A) Those categories listed in subsection (1)(a) through (g) of this section;

(B) A customer education and outreach program to promote widespread participation by consumers and businesses;

(C) The accelerated depreciation of a fossil fuel-fired generator owned by a light and power business, limited to thirty percent of credits authorized under a clean energy investment plan, if:

(I) The accelerated depreciation schedule includes recovery of all plant-in-service costs of the light and power business that owns or controls the plant associated with the fossil fuel-fired generator;

(II) The plant is replaced with renewable resources or de-

mand side resources that emit no greenhouse gases; and

(III) The accelerated depreciation schedule and replacement power plan is included in a clean energy investment plan approved by the commission;

(D) Replacing all or a part of the debt financing portion of a capital investment made in the development of eligible renewable energy resources if doing so lowers the cost of financing and the construction of the capital investment commences after the effective date of this section;

(E) For a qualifying gas distribution business, purchasing alternative carbon reduction units. Alternative carbon reduction units are available only if a gas distribution business demonstrates in its clean energy investment plan that it has pursued all other available investment opportunities. No more than ten percent of the pollution fee owed in a given year may be reduced by purchasing alternative carbon reduction units. A qualifying gas distribution business must demonstrate that any carbon reduction unit it purchased verifiably reduced carbon emissions within the state, created benefits, as defined in section (3)(5)(d) of this act, within pollution and health action areas, and was developed in meaningful consultation with vulnerable populations. Alternative carbon reduction units are available only during the ten years immediately following the effective date of this section;

(ii) Identify sufficient investments to eliminate net increases in energy burden of customers that are people with lower incomes as a result of actions to reduce pollution, including the requirements of this act. At a minimum, fifteen percent of credits must be dedicated to investments that directly reduce energy burden on people with lower incomes. Additional funds must be allocated for program development, recruitment, enrollment, and administration to achieve the intent of this subsection. These investments must be consistent with subsection (4) of this section;

(iii) Demonstrate how the requirements of section 3(5)(a) of this act have been met and the criteria in section 7 of this act, excluding subsection (1)(d) of that section, have been given priority in the development of the plan;

(iv) Describe a long-term strategy to eliminate any fee obligation imposed by this chapter on electricity and minimize any fee obligation on natural gas;

(v) Provide performance metrics, including performance metrics designed to measure pollution reduction achieved, energy burden reduction benefits supplied, and other indicators of progress in achieving the purposes of this chapter. Performance metrics must cover the life of the plan;

(vi) Demonstrate that expenditures in the plan are in addition to existing programs and expenditures necessary to meet other emissions reduction, energy conservation, low income, or renewable energy requirements in the absence of this chapter and incremental to investments or expenditures that the light and power business or gas distribution business would have pursued in the absence of the plan and the requirements of this chapter; and

(vii) Describe methods of addressing shortfalls of previous plans in achieving the requirements set forth in this subsection (6)(c).

(d) The department and the commission may choose to approve the entire plan or only parts of a plan and authorize credits only for the approved segments. The department, the commission, and the board may confer with and provide recommendations to one another prior to the approval of a clean energy investment plan. The department and the commission may make determinations based on the efficacy of the plan, including appropriate comparison to carbon reduction and other outcomes that are projected to be achieved under the state's pollution reduction investment plan developed under subsection (2) of this section, results of the effectiveness report developed under section 12 of this act, and other criteria they adopt.

(e) A light and power business or gas distribution business authorized to receive credits under this subsection must establish and maintain a separate clean energy investment account into which it must deposit amounts equal to the credits authorized under this section. Funds deposited into this account must be expended during the year in which the funds were collected from customers, the preceding year, or any of the three subsequent years, after which they must be remitted to the clean air and clean energy account.

(f) Upon approval of a clean energy investment plan, a qualifying light and power business or gas distribution business must expend moneys from its clean energy investment account in accordance with the approved clean energy investment plan, with the oversight of the commission or department. A light and power business or gas distribution business must submit annual reports to the commission or department that include, at a minimum, the status of the plan and an evaluation of whether its investments have achieved the performance metrics identified in the clean energy investment plan.

(g) If the commission or the department determines that a plan did not meet a performance metric, the commission or department may require the light and power business or gas distribution business to remit remaining credits dedicated for the nonperforming plan or components to the clean air and clean energy account and may deny future plans unless they meet the requirements of this subsection.

(h) To maintain eligibility to receive a credit for fees, a qualifying light and power business or gas distribution business must submit and receive approval of an updated clean energy investment plan every two years.

(i) An investor-owned light and power business or gas distribution business may not earn a rate of return from the portion of investments paid for with credits under this section.

(j) Credits may not support programs, activities, or projects that are otherwise legally required by federal, state, or local laws, or that are required as a result of a legal settlement or other action binding on the potential recipient of

the funds. Credits may not be used to supplant existing funding for related programs.

(k) A qualifying light and power business or gas distribution business is authorized to use a reasonable portion of credits for necessary administrative costs related to the requirements of this subsection, including the development and implementation of an approved clean energy investment plan.

(l) For the purposes of this subsection, a qualifying light and power business or gas distribution business may request that within one hundred twenty days the department of health designate additional pollution and health action areas located in the service area of the qualifying light and power business or gas distribution business.

(m) Credited fees in the clean energy investment account are considered gross operating revenue for the purpose of RCW 80.24.010, and may not be considered gross income for the purposes of chapters 82.04 and 82.16 RCW. In addition to fees paid pursuant to RCW 80.24.010 on credited fees in the clean energy investment account, each investor-owned utility must pay an annual fee set by the commission annually through order of up to one percent of credited fees deposited in the clean energy investment account to pay for the commission's reasonable cost of administering this subsection.

(n) The commission and department must adopt rules concerning the process, timelines, reporting, committees, standards, and documentation required to ensure proper implementation of this subsection. These rules must allow for stakeholder contribution to the clean energy investment plans and establish requirements for review, approval, performance metrics, and independent monitoring and evaluation of a clean energy investment plan of a light and power business or gas distribution business.

(o) The amount of credits authorized and spent under this subsection counts towards the minimum percentage of investments required by section 3(2)(a) of this act.

(p) The definitions in this subsection (6)(p) apply throughout this subsection unless the context clearly requires otherwise.

(i) "Commission" means the utilities and transportation commission.

(ii) "Department" means the department of commerce.

(7) Funding made available for programs, activities, or projects under this section must be additive to existing funding and may not supplant funding otherwise available.

(8) The expenditures of funds under this section may not support programs, activities, or projects that are otherwise legally required by federal, state, or local laws, or that are required as a result of a legal settlement or other legal action or court order binding on the potential recipient of the funds.

NEW SECTION. Sec. 5. CLEAN WATER AND HEALTHY FORESTS INVESTMENTS. (1) The clean water and healthy

forests account is created in the state treasury. All moneys directed to the account from the clean up pollution fund created in section 3 of this act must be deposited in the account. Moneys in the account are intended to increase the resiliency of the state's waters and forests to the impacts of climate change. Moneys in the account must be spent in a manner that is consistent with existing and future assessment of climate risks and resilience from the scientific community and expressed concerns of and impacts to pollution and health action areas.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts.

(i) Funding under this subsection (2)(a) must be used to:

(A) Restore and protect estuaries, fisheries, and marine shoreline habitats, and prepare for sea level rise;

(B) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(C) Reduce flood risk and restore natural floodplain ecological function;

(D) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling; or

(E) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference given to projects that use green stormwater infrastructure.

(ii) Funding under this subsection (2)(a) proposed for projects in the Puget Sound basin must be reviewed by the Puget Sound partnership for consistency with the Puget Sound action agenda authorized under chapter 90.71 RCW. This review must be conducted in a manner that does not delay the approval of programs, activities, or projects under this subsection.

(iii) The departments of ecology, natural resources, fish and wildlife, the Puget Sound partnership, and the recreation and conservation office must jointly develop draft procedures, criteria, and rules for the program authorized under this subsection (2)(a).

(b) Healthy forests investments to improve resilience from climate impacts.

(i) Funding under this subsection (2)(b) must be used for projects and activities that will:

(A) Increase resilience to wildfire in the face of increased temperature and drought; or

(B) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change.

(ii) The department of natural resources may consider supporting cross laminated timber and other mass timber technologies in support of this work.

(iii) The department of natural resources must develop draft procedures, criteria, and rules for the program authorized under this subsection (2)(b). Funding priority must be

given to programs, activities, or projects prioritized pursuant to RCW 76.06.200 and 79.10.530 across any combination of local, state, federal, tribal, and private ownerships.

(iv) The department of natural resources must adopt rigorous performance-based criteria and objectives for funding decisions under this subsection (2)(b), such as the number of acres burned or thinned or otherwise treated to improve forest health, acres of forest for which wildland fire prevention measures have been implemented, and the number of communities in the wildland urban interface for which wildfire resilience and defense measures have been implemented.

(3) Draft procedures, criteria, and rules required under this section must be developed in consultation with the clean water and healthy forests panel and must be submitted to the board for final review and approval subject to the rule-making process.

(4) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefit and increased resiliency to the impacts of climate change.

(5) Funding made available for projects under this section should be considered additive to existing funding and is not intended to supplant funding otherwise available for such projects.

NEW SECTION. Sec. 6. HEALTHY COMMUNITIES INVESTMENTS. (1) The healthy communities account is created in the state treasury. All moneys directed to the account from the clean up pollution fund created in section 3 of this act must be deposited in the account. Moneys in the account must be used for programs, activities, or projects to prepare communities for challenges caused by climate change and to ensure that the impacts of climate change are not disproportionately borne by certain populations. Investments from this account may be used for the following purposes, with first priority given to programs, activities, or projects eligible for funding under (a), (b), and (c) of this subsection:

(a) Enhancing community preparedness and awareness before, during, and after wildfires;

(b) Developing and implementing resources to support fire suppression, prevention, and recovery for tribal communities impacted or potentially impacted by wildfires;

(c) Relocating communities on tribal lands that are impacted by flooding and sea level rise; and

(d) Developing and implementing education programs and teacher professional development opportunities at public schools to expand awareness of and increase preparedness for the environmental, social, and economic impacts of climate change and strategies to reduce pollution.

(2) Funding under this section may not supplant federal funding or federal obligations otherwise required by law or

treaty.

(3) The department of natural resources, in consultation with the environmental and economic justice panel, shall develop draft procedures, criteria, and rules for the programs authorized in subsection (1)(a) through (c) of this section. The procedures, criteria, and rules for the program authorized in subsection (1)(a) of this section must prioritize programs, activities, or projects that benefit communities with limited English proficiency and other vulnerable populations in communities at risk from wildfires.

(4) The superintendent of public instruction shall develop draft procedures, criteria, and rules for the program authorized in subsection (1)(d) of this section.

(5) Twenty percent of the healthy communities account must be reserved for developing community capacity to participate in the implementation of this chapter, including the preparation of funding proposals. Funds for this community capacity program must be allocated through a competitive process with a preference for projects proposed by vulnerable populations in pollution and health action areas and rural communities. Any Indian tribe that applies must receive up to two hundred thousand dollars per year to build tribal capacity to participate in the implementation of this chapter. The department of commerce shall work with the environmental and economic justice panel to develop draft procedures, criteria, and rules for this program.

(6) Proposed procedures, criteria, and rules prepared under this section must be sent to the board for final adoption, including through the rule-making process as appropriate.

NEW SECTION. Sec. 7. INVESTMENT CRITERIA. (1) After applying the account-specific criteria in sections 4, 5, and 6 of this act, preference must be given to investments authorized under section 3 of this act and credits authorized under section 4(6) of this act that meet one or more of the following investment criteria:

(a) Procurement and use of materials and content that have lower carbon emissions associated with their transportation and manufacturing, as determined through the best available reporting and assessment tools;

(b) Support of high quality labor standards, prevailing wage rates determined by local collective bargaining, apprenticeship and preapprenticeship utilization and preferred entry standards, community workforce agreements with priority local hire, procurement from women, veteran, and minority-owned businesses, procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations, and other related labor standards;

(c) Reduction of worker and public exposure to emissions of air pollutants regulated under chapter 70.94 RCW, discharges of pollutants regulated under chapter 90.48 RCW, or releases of hazardous substances under chapter 70.105D RCW; and

(d) Reduction of pollution through strategies that reduce

vehicle miles traveled, including by reducing travel distances for people with lower incomes.

(2) Projects that satisfy multiple criteria in subsection (1) of this section receive first preference under this section.

NEW SECTION. Sec. 8. POLLUTION FEE. (1) A pollution fee is imposed on and must be collected from large emitters based on the carbon content of:

(a) Fossil fuels sold or used within this state; and
(b) Electricity generated within or imported for consumption in the state.

(2) The fee must be levied only once on a particular unit of fossil fuels or electricity.

(3) Beginning January 1, 2020, the pollution fee on large emitters is equal to fifteen dollars per metric ton of carbon content. Beginning January 1, 2021, the pollution fee on large emitters increases by two dollars per metric ton of carbon content each January 1st. The annual increase shall adjust for inflation each year. The pollution fee is fixed and no longer increases, except for annual increases for inflation, when the state's 2035 greenhouse gas reduction goal is met and the state's emissions are on a trajectory that indicates that compliance with the state's 2050 goal is likely, as those goals exist or are subsequently amended, as determined by the board.

(4) In order to calculate the pollution fee on large emitters imposed by this chapter, by November 1, 2019, the department of ecology must, in consultation with the department of revenue, adopt emergency rules specifying the basis for the carbon content inherent in or associated with covered fossil fuels and electricity. In developing these rules, the department of ecology may consider, among other resources, the carbon dioxide content measurements for fossil fuels from the federal energy information administration and the federal environmental protection agency. The department of ecology may periodically update the rules specifying the carbon content of fossil fuels and electricity.

(5) For the generation or import of electricity from an unspecified source, the department of ecology, in consultation with the department of commerce, must select a default emission factor that maximizes the incentive for light and power businesses to specify power sources without also unduly burdening the ability to purchase electricity from the market.

(6) For power generated or imported by the Bonneville power administration, the department of ecology must publish a default emissions factor for sales into Washington state.

(7) A credit for the fee owed may be authorized as provided in section 4(6) of this act. The utilities and transportation commission and the department of commerce shall ensure that resources are not reallocated between customers, customer classes, or geographies for the purposes of artificially reducing the application of this fee without reducing actual pollution emissions and, in doing so, must also not

unduly burden the ability of a light and power business or gas distribution business to transact with the market.

(8) The department of revenue is directed to collect the fee and is authorized to take actions it deems necessary to collect the pollution fee.

(9) To carry out the purposes of this chapter, the state is authorized to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, the moneys collected under this section for repayment of those bonds.

(10) The pollution fee owed by a large emitter may be assumed by a light and power business when it purchases electricity from that large emitter.

(11) When a large emitter purchases power from the Bonneville power administration, the larger emitter must assume the pollution fees, if any.

NEW SECTION. Sec. 9. EXEMPTIONS. (1) To ensure consistency with existing state and federal law and to facilitate the timely, feasible, and effective reduction of pollution under this chapter, the pollution fee imposed on large emitters does not apply to and may not be collected for:

(a) Fossil fuels brought into this state in the fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft;

(b) Fossil fuels that are exported or sold for export outside of Washington. Export to a federally recognized Indian tribal reservation located within this state is not considered export outside of Washington;

(c) Fossil fuels directly or eventually supplied to a light and power business for purposes of generating electricity;

(d) Motor vehicle and special fuel currently exempt from taxation under RCW 82.38.080;

(e) Fossil fuels and electricity sold to and used onsite by facilities with a primary activity that falls into an EITE sector, including any facility primarily supporting one or more facilities falling into one or more EITE sectors such as administrative, engineering, or other office facilities, after the department of commerce has validated a facility's designation within such sector or its supporting facility status in an EITE sector;

(f) Aircraft fuels as defined in RCW 82.42.010 and maritime fuels;

(g) Activities or property of Indian tribes and individual Indians that are exempt from state taxation as a matter of federal law and state law, whether by statute, rule, or compact, including but not limited to the exemptions listed in WAC 458-20-192. For motor vehicle fuel or special fuel sold on tribal lands, the fee may be included in any agreements under RCW 82.38.310;

(h) Diesel fuel, biodiesel fuel, or aircraft fuel when these fuels are used solely for agricultural purposes by a farm fuel user, as those terms are defined in RCW 82.08.865;

(i) Pollution emissions from a coal closure facility. For the purpose of this chapter, a "coal closure facility" is any facili-

ty that generates electricity through the combustion of coal as of the effective date of this section and:

(i) Is legally bound to comply with emissions performance standards as set forth in RCW 80.80.040 by December 31, 2025; or

(ii) Is legally bound to cease operation by December 31, 2025.

(2) For any electricity or fossil fuels subject to the fee imposed by this chapter that are also subject to a similar fee on carbon content imposed by another jurisdiction, the payer may take a credit against the fee imposed by this chapter up to the amount of the similar fee paid to the other jurisdiction if the payer petitions to and receives approval for the credit from the department of commerce.

(3) For electricity generated in Washington that is sold out of state to a jurisdiction that has a similar fee on carbon content, a large emitter may receive a credit equal to the amount of the fee in the receiving jurisdiction up to the amount of the fee owed under this chapter if the payer petitions to and receives approval for the credit from the department of commerce.

NEW SECTION. Sec. 10. PUBLIC OVERSIGHT BOARD AND CONSULTATION. (1) The public oversight board is established within the executive office of the governor. The purpose of the board is to ensure timely, effective, and efficient implementation of this chapter. The board must ensure robust public involvement, accountability, and transparency in the implementation of this chapter.

(2) The board has fifteen voting members, including the chair, the six cochairs of the panels, four at-large positions, the commissioner of public lands, and the directors of the department of commerce, the department of ecology, and the recreation and conservation office. The governor shall appoint the chair and the four at-large positions, one of which must be a tribal representative and one of which must represent vulnerable populations in pollution and health action areas, to achieve an overall board membership with appropriate expertise in pollution reduction. The at-large positions must serve staggered four-year terms. The department of health, the department of transportation, and the superintendent of public instruction are non-voting members of the board.

(3) The board has the following powers and duties:

(a) Develop budget recommendations pursuant to the process set forth in chapter 43.88 RCW;

(b) Work with appropriate state agencies to utilize, where feasible, existing programs to deliver funding made available under this chapter;

(c) Evaluate the funding proposals developed by the state agencies and the panels and provide final approval of funding for programs and projects under this chapter at a public hearing;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(e) Review and approve procedures, criteria, and rules developed under the provisions of this chapter, the pollution reduction investment plan developed under section 4 of this act, and the effectiveness report required by section 12 of this act;

(f) Develop a tribal consultation process for programs, activities, or projects proposed for funding under this chapter consistent with subsection (9) of this section;

(g) Confer with the governor and the legislature regarding implementation of this chapter; and

(h) Carry out such other duties necessary for implementation of this chapter or that are delegated to the board.

(4) The board must be led by the chair of the board. The chair is a full-time staff person appointed by the governor and should be housed in the office of the governor. The chair should have experience in management and administration and expertise in and a demonstrated commitment to reducing pollution and transitioning to a clean energy economy.

(5) In addition to leading the board, the chair has, without limitation, the following duties and authorities:

(a) Drive implementation of programs, activities, or projects in a manner that achieves timely and effective pollution reduction and the other purposes of this chapter;

(b) Solicit analysis from any state agency or office on matters related to implementation of this chapter;

(c) Convene and preside over a climate subcabinet, consisting of representatives of the agencies with responsibility to implement portions of this chapter and the cochairs of the panels;

(d) Periodically brief the governor and legislative leaders regarding progress, challenges, and obstacles in implementing this chapter; and

(e) Hire staff as necessary to support the work of the chair and the board.

(6) Members of the board who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the board in accordance with RCW 43.03.050 and 43.03.060.

(7) All state agencies shall cooperate with and support the board as it implements this chapter. All state agencies shall complete their duties under this chapter and otherwise drive its implementation with a sense of urgency.

(8) To ensure timeliness, efficiency, and effectiveness, the board and the joint legislative audit and review committee shall jointly develop a schedule for periodic review and reporting regarding the implementation of this chapter.

(9) In furtherance of strengthening partnerships between the state and Indian tribes, achieving the goals set forth in this chapter, and to ensure mutual respect for the rights, interests, and obligations of each sovereign, this chapter must be construed to recognize and affirm the inherent sovereignty of Indian tribes, and to further the govern-

ment-to-government relationships between Indian tribes and the state as follows:

(a) Any state agency acting under the authority of this chapter or receiving funding under this chapter must consult with Indian tribes on all decisions that may directly affect Indian tribes and tribal lands including but not limited to activities such as rule making. That consultation must follow the agency's protocol for consultation with Indian tribes developed pursuant to the centennial accord and must occur independent of any public participation process required by state law or by the agency, regardless of whether the agency receives a request for consultation from an Indian tribe.

(b) Any project proposed for funding under this chapter that directly impacts tribal lands or usual and accustomed fishing areas must be subject to meaningful formal consultation with Indian tribes before the board approves disbursement of investment moneys for the project. Consultation must include all consultation required under state or federal law and the provisions of this section. The goal of consultation is to share information regarding the project to ensure a complete understanding of the project and to identify and address tribal concerns. The process for consultation must be as follows:

(i) Consultation with Indian tribes must be initiated when a project is being evaluated for funding by a panel.

(ii) Consultation is initiated upon receipt of a letter from the board or panel to the person identified by Indian tribes under RCW 43.376.050. If an Indian tribe does not respond within forty-five days of receipt of the letter, the board may conclude that the Indian tribe has declined consultation on the project. The board shall provide notice in a manner that ensures actual receipt by the tribe and provides clarity as to the commencement of the forty-five day period outlined herein.

(iii) Where an Indian tribe responds to the letter, the board must utilize the consultation process established by the board, including a mutually agreed timeline for completion of consultation. The consultation process runs concurrently with the panels' and board's evaluation of the project and must be completed prior to the date determined by the board to complete final funding decisions.

(iv) The board and the Indian tribe must work in good faith during the consultation process to reach consensus on whether the project should be funded.

(c) For programs, activities, or projects that directly impact tribal lands, the goal of the consultation process is to obtain free, prior, and informed consent for the project. For these programs, activities, or projects, consultation is complete when the Indian tribe's government provides the board with a written resolution providing consent or withholding consent by the deadline set for completion of the consultation process.

(d) If any project that directly impacts tribal lands is funded under this chapter without complying with (b) and (c)

of this subsection, upon a request by an Indian tribe, all further action on the project must cease until consultation with the Indian tribe is complete.

(e) Nothing in this subsection precludes a panel or the board from evaluating similar programs, activities, or projects as a group or using existing programs, activities, or projects to provide preliminary funding recommendations.

(f) Informal and early consultation between an Indian tribe and a project proponent is encouraged.

(g) The utilities and transportation commission shall comply with this subsection in exercising its authority under section 4 of this act.

NEW SECTION. Sec. 11. INVESTMENT ADVISORY PANELS. (1) Three panels are created to provide detailed recommendations to the board and state agencies regarding implementation of this chapter, including the development of proposed rules, criteria, procedures, and other program elements. The governor shall appoint members of each panel for four-year, staggered terms. At least one-third of the membership of each panel must be representatives of the interests of vulnerable populations in pollution and health action areas.

(2) The clean air and clean energy panel must be co-chaired by one business interest and a stakeholder that represents a statewide labor organization that represents a broad cross-section of workers. The panel may have no more than nine members, representing tribal, environmental, business, and labor communities and pollution and health action areas outside of tribal lands. The panel's membership must have expertise in carbon reduction programs, activities, and technologies. The panel shall work with appropriate state agencies to identify existing state programs that can be utilized to provide preliminary evaluations of grant applications, develop criteria and processes for evaluating programs, activities, or projects proposed that cannot be evaluated under existing programs, and prepare funding and other recommendations to the board for expenditures from the clean air and clean energy account, created in section 4 of this act. The clean air and clean energy panel may also develop, as needed, and recommend rules for the board's consideration.

(3) The clean water and healthy forests panel must be cochaired by one tribal leader and one stakeholder that represents statewide environmental interests. The panel may have no more than nine members, representing tribal, environmental, business, and labor communities and pollution and health action areas outside of tribal lands. The panel shall work with appropriate state agencies to identify existing state programs that can be utilized to provide initial evaluations of grant applications, develop funding criteria and processes for programs, activities, or projects that cannot be evaluated under existing programs, and prepare funding and other recommendations to the board for expenditures from the clean water and healthy forests

account, created in section 5 of this act. The panel may also recommend rules for the board's consideration.

(4) The environmental and economic justice panel must be cochaired by one tribal leader and one person that is a representative of the interests of vulnerable populations in pollution and health action areas outside of tribal lands. In addition to the cochairs, the panel consists of two members representing union labor with expertise in economic dislocation, clean energy economy, or energy-intensive and trade-exposed industries and five members, including at least one tribal leader and at least two nontribal leaders representing the interest of vulnerable populations in pollution and health action areas. The purpose of the panel is to:

(a) Prepare funding recommendations to the board for expenditures from the healthy communities account, created in section 6 of this act;

(b) Develop draft procedures, criteria, and rules for evaluating programs, activities, or projects for review and approval by the board and make funding recommendations regarding people with lower incomes, affected workers, vulnerable populations, and pollution and health action areas;

(c) Make recommendations regarding preventing or eliminating any increased energy burden of people with lower incomes as a result of actions to reduce pollution, including the pollution fees collected from large emitters under this chapter;

(d) Define meaningful consultation with pollution and health action areas, vulnerable populations, and people with lower incomes, and provide opportunities for vulnerable populations to consult on the implementation of this chapter;

(e) Evaluate compliance with the investment criteria in section 7 of this act;

(f) Define qualifying events and workers for the allocation of funds authorized under section 4(5) of this act;

(g) Review and comment on the analyses required under section 12 of this act and identify and recommend opportunities and measures to reduce burdens identified in the cumulative impact designation of pollution and health action areas pursuant to section 12(2) of this act, to increase economic opportunities, and to decrease risks, such as displacement; and

(h) Administer, in cooperation with the department of commerce, the community capacity grants authorized under section 6(5) of this act.

(5) Relevant state agencies shall cooperate with and support the panels as they implement this chapter.

(6) Any single individual may serve on more than one panel. Members of the panels who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the panel in accordance with RCW 43.03.050 and 43.03.060. Members of the environmental and economic

justice panel may receive financial support from organizations and the governments of Indian tribes through approved community capacity grants awarded under section 6(5) of this act.

NEW SECTION. Sec. 12. EFFECTIVENESS REVIEW AND POLLUTION MAPPING. (1)(a) By December 10, 2022, and every four years thereafter, the department of commerce, with support from relevant agencies and in consultation with the panels, the board, academic institutions, and other experts as appropriate, and taking into account scientific and community assessments of climate impacts, risks, and resilience needs, must develop and submit to the board a draft effectiveness report for final review and approval by the board.

(b) The effectiveness report must describe progress in achieving the purposes of this chapter, including progress made in achieving the carbon reduction goals established in section 4(2)(b) of this act and in developing and implementing the pollution reduction plans and clean energy investment plans under section 4 of this act. In addition, the effectiveness report must also include information regarding the impact of the implementation of this chapter upon employment and jobs, including the number and nature of jobs created, worker hours, job quality, job access and demographics, cobenefits secured, and other employment and economic information as deemed appropriate. The effectiveness report must also identify and evaluate outcomes, risks, and recommendations for vulnerable populations, pollution and health action areas, people with lower incomes, Indian tribes, and affected workers. The effectiveness report must recommend improvements to the implementation of this chapter.

(2) By July 31, 2019, the department of health shall designate pollution and health action areas. This designation must be at a minimum resolution of census tract scale and be based on the cumulative impact analysis of vulnerable populations and environmental burdens conducted by the University of Washington's department of environmental and occupational health sciences. The designation and ranking of census tracts in the cumulative impacts analysis and underlying data must be available for public review and may be integrated with or build upon other population tracking resources. The designation of pollution and health action areas and the cumulative impact analysis of vulnerable populations and environmental burdens must be periodically evaluated and updated by the department of health after meaningful consultation with vulnerable populations, the environmental and economic justice panel, and the University of Washington's department of environmental and occupational health sciences.

NEW SECTION. Sec. 13. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative carbon reduction unit" means a credit for

one metric ton reduction in pollution that substitutes for an equivalent emission reduction in a qualifying gas distribution business's operations and is real, permanent, enforceable, verifiable, and additional to business as usual. The unit must derive from an action that reduces pollution.

(2) "Board" or "oversight board" means the public oversight board created in section 10 of this act.

(3) "Carbon content" means the carbon dioxide equivalent that is released through the combustion or oxidation of a fossil fuel, or that is associated with the combustion or oxidation of a fossil fuel, used to generate electricity.

(4) "Carbon dioxide equivalent" has the same meaning as provided in RCW 70.235.010.

(5) "Consumer-owned utility" has the same meaning as in RCW 19.29A.010.

(6) "Eligible renewable energy resource" has the same meaning as in RCW 19.285.030.

(7) "Energy burden" is the percentage of household income spent on road transportation and home energy bills.

(8) "Energy-intensive and trade-exposed sectors" and "EITE sectors" mean:

(a) Those sectors identified under "EITE covered party" in WAC 173-442-020(1)(m) as of April 22, 2017; and

(b) Other sectors the department of commerce designates that have, on average across all facilities belonging to the sector in the state, both a greater energy intensity of production and a greater trade share of goods than the corresponding averages for any other EITE sector.

(9) "Environmental burdens" refers to the cumulative risks to communities caused by historic and current:

(a) Exposure to conventional and toxic hazards in the air, water, and land, and;

(b) Adverse environmental effects, which are environmental conditions caused or made worse by contamination or pollution or that create vulnerabilities to climate impacts.

(10) "Fossil fuel" means petroleum products that are intended for combustion, natural gas, coal or coke of any kind, or any form of solid, liquid, or gaseous fuel derived from these products including but not limited to motor vehicle fuel, special fuel, aircraft fuel, marine fuel, still gas, propane, and petroleum residuals such as bunker fuel. For purposes of imposing the pollution fee on the carbon content of fossil fuels consumed by a refinery facility during the process of refining fossil fuels, "fossil fuel" also means crude oil and petroleum.

(11) "Fund" means the clean up pollution fund established under section 3 of this chapter.

(12) "Gas distribution business" has the same meaning as provided in RCW 82.16.010.

(13) "Greenhouse gas" and "greenhouse gases" have the same meaning as provided in RCW 70.235.010(6).

(14) An "Indian tribe" is an Indian nation, tribe, band, community, or other entity:

(a) Recognized as an Indian tribe by the federal department of the interior; and

(b) With its principal governmental office located within the geographical boundaries of the state of Washington or with treaty-reserved rights retained within the geographical boundaries of the state of Washington.

(15) "Inflation" means the percentage change in the consumer price index for all urban wage earners and clerical workers for the United States as published for the most recent twelve-month period by the bureau of labor statistics of the federal department of labor by September 30th of the year before the fees are payable.

(16) "Investor-owned utility" has the same meaning as in RCW 19.29A.010.

(17) "Large emitter" means:

(a) For electricity:

(i) An importer of electricity that was generated using fossil fuels or is subject to a default emissions factor under section 8 of this act; or

(ii) A power plant located in the state of Washington that generates electricity using fossil fuels.

(b) For motor vehicle fuel and special fuel, entities required to pay the tax specified in RCW 82.38.030(9).

(c) For natural gas, entities required to pay the tax specified in chapter 82.16 RCW, or, if the fee is not paid by a gas distribution business under chapter 82.16 RCW, by the person required to pay tax as provided in RCW 82.12.022 (1) through (3) and (8) through (10).

(d) For other petroleum products, persons as designated by rule by the department of revenue.

(e) A seller of fossil fuels to end users or consumers.

(f) A seller of fossil fuels sold for combined heat and power as defined in RCW 19.280.020.

(g) A refinery facility for crude oil, crude oil derivatives and other fossil fuels consumed by or in a refinery facility.

(18) "Light and power business" has the same meaning as provided in RCW 82.16.010, and includes a light and power business owned or operated by a municipality.

(19) "Maritime fuels" means diesel, gasoline, and biofuel-blend fuels sold from fuel docks for use in vessels and bunker and other fuels sold for use in ships for interstate and international transportation.

(20) "Motor vehicle fuel" has the same meaning as provided in RCW 82.38.020.

(21) "Panel" or "panels" means any or all of the panels established in section 11 of this chapter.

(22) "Person" means the state of Washington, political subdivision of the state of Washington, municipal corporation, the United States, and any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(23) "People with lower incomes" means:

(a) All Washington residents with an annual income, ad-

justed for household size, which is at or below the greater of:

(i) Eighty percent of the area median income as reported by the federal department of housing and urban development; or

(ii) Two hundred percent of the federal poverty line; and

(b) Members of an Indian tribe who meet the income-based criteria for existing other means-tested benefits through formal resolution by the governing council of an Indian tribe.

(24) "Petroleum product" means hydrocarbons that are the product of the fractionation, distillation, or other refining or processing of crude oil that are used as, usable as, or may be refined as a fuel or fuel blend stock.

(25) "Pollution" means, for purposes of this chapter only, the presence of or introduction into the environment of greenhouse gases.

(26) "Pollution and health action areas" are those communities designated by the department of health based on the cumulative impacts analysis required by section 12(2) of this chapter and census tracts that are fully or partially on "Indian Country" as defined in 18 U.S.C. Sec. 1151.

(27) "Power plant" has the same meaning as in RCW 80.80.010.

(28) "Special fuel" has the same meaning as provided in RCW 82.38.020 and includes fuel that is sold or used to propel vessels.

(29) "Supplier" means a person that produces, refines, imports, sells, or delivers fossil fuels in or into the state for use or processing within the state.

(30) "Tribal lands" means "Indian Country" as defined in 18 U.S.C. Sec. 1151, lands owned by or held in trust for an Indian tribe, and sensitive tribal areas. For the purposes of this chapter, "sensitive tribal areas" are areas in which an Indian tribe has a significant interest, such as sacred sites, traditional cultural properties, and burial grounds protected under chapter 27.44 RCW.

(31) "Tribal leaders" means persons identified by Indian tribes under RCW 43.376.050 or other designee formally appointed by the Indian tribe.

(32) "Usual and accustomed fishing area" is any area adjudicated to have been reserved for fishing by one or more Indian tribe(s) through treaties as recognized by *United States v. Washington*, 20 F. Supp. 3d 899 (2008). For purposes of this chapter only, "usual and accustomed fishing area" refers to waterways only and not nearby uplands.

(33) "Vulnerable populations" are communities that experience high cumulative risk from environmental burdens due to:

(a) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, and linguistic isolation; and

(b) Sensitivity factors, such as low birth weight and higher rates of hospitalization.

NEW SECTION. Sec. 16. All departments and agencies named in this chapter may adopt rules, develop guidance, and create forms and other documents necessary to effectuate the provisions and purposes of this chapter.

NEW SECTION. Sec. 17. As of the effective date of this section, chapter 173-442 WAC and associated amendments to chapter 173-441 WAC previously adopted by the department of ecology may not be enforced by the department of ecology. If this chapter is invalidated, the department of ecology is directed to enforce chapter 173-442 WAC and associated amendments to chapter 173-441 WAC.

NEW SECTION. Sec. 18. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. If any provision of this chapter or its application to any person or circumstance is held unconstitutional or unlawful, this chapter shall be construed to provide for the maximum application of the pollution fee and investments authorized in this chapter. Each exemption in section 9 of this act is severable and, if any exemption is held unconstitutional or unlawful, the remainder of the chapter is not affected.

NEW SECTION. Sec. 19. The findings and determinations in section 1 of this act are an integral part of this chapter. The provisions of this chapter are to be liberally construed to effectuate the policies and purposes of this chapter.

NEW SECTION. Sec. 20. The people find and determine that the pollution fee imposed in this chapter is not a tax in light of the purposes, benefits, and use of the fee. Nevertheless, if a court of final jurisdiction determines that the pollution fee imposed in this chapter is a tax, then that tax shall be deemed authorized, imposed, and exempt from the provisions of RCW 82.32.805 and 82.32.808.

NEW SECTION. Sec. 21. Sections 1 through 19 of this act constitute a new chapter in Title 70 RCW.

--- END ---

register to vote

myvote.wa.gov

MyVote

Complete Text

Initiative Measure No. 1634

AN ACT Relating to the taxation of groceries; and adding a new chapter to Title 82 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be known and cited as the “keep groceries affordable act of 2018.”

NEW SECTION. Sec. 2. KEEPING GROCERIES AFFORDABLE: FINDINGS AND DECLARATIONS.

(1) Whereas access to food is a basic human need of every Washingtonian; and

(2) Whereas keeping the price of groceries as low as possible improves the access to food for all Washingtonians; and

(3) Whereas taxing groceries is regressive and hurts low- and fixed-income Washingtonians the most; and

(4) Whereas working families in Washington pay a greater share of their family income in state and local taxes than their wealthier counterparts; now, therefore,

(5) The people of the state of Washington find and declare that no local governmental entity may impose any new tax, fee, or other assessment that targets grocery items.

NEW SECTION. Sec. 3. DEFINITIONS.

For purposes of this chapter: (1) “Alcoholic beverages” has the same meaning as provided in RCW 82.08.0293.

(2) “Groceries” means any raw or processed food or beverage, or any ingredient thereof, intended for human consumption except alcoholic beverages, marijuana products, and tobacco. “Groceries” includes, but is not limited to, meat, poultry, fish, fruits, vegetables, grains, bread, milk, cheese and other dairy products, nonalcoholic beverages, kombucha with less than 0.5% alcohol by volume, condiments, spices, cereals, seasonings, leavening agents, eggs, cocoa, teas, and coffees whether raw or processed.

(3) “Local governmental entity” has the same meaning as provided in RCW 4.96.010.

(4) “Marijuana products” has the same meaning as provided in RCW 69.50.101.

(5) “Tax, fee, or other assessment on groceries” includes, but is not limited to, a sales tax, gross receipts tax, business and occupation tax, business license tax, excise tax, privilege tax, or any other similar levy, charge, or exaction of any kind on groceries or the manufacture, distribution, sale, possession, ownership, transfer, transportation, container, use, or consumption thereof.

(6) “Tobacco” has the same meaning as provided in RCW 82.08.0293.

NEW SECTION. Sec. 4. KEEPING GROCERIES TAX FREE—PROTECTING TRADITIONAL LOCAL REVENUE STREAMS—CONTINUED AUTHORITY.

Notwithstanding any other law to the contrary:

(1) Except as provided in subsections (2) through (4) of this section, a local governmental entity may not impose or collect any tax, fee, or other assessment on groceries.

(2) Nothing in this section precludes the continued collection of any existing tax, fee, or other assessment on groceries as is in effect as of January 15, 2018; but no existing tax, fee, or other assessment on groceries may be increased in rate, scope, base, or otherwise after January 15, 2018, except as provided in subsections (3) and (4) of this section.

(3) Nothing in this section prohibits the imposition and collection of a tax, fee, or other assessment on groceries if:

(a) The tax, fee, or other assessment is generally applicable to a broad range of businesses and business activity; and

(b) The tax, fee, or other assessment does not establish or rely on a classification related to or involving groceries or a subset of groceries for purposes of establishing or otherwise resulting in a higher tax rate due to such classification.

(4) Nothing in this section prohibits the imposition and collection of a local retail sales and use tax pursuant to RCW 82.14.030 on those persons taxable by the state under chapters 82.08 and 82.12 RCW.

NEW SECTION. Sec. 5. IMPLEMENTATION.

Notwithstanding any other law to the contrary:

(1) This chapter applies to any tax, fee, or other assessment on groceries first imposed, increased, or collected by a local governmental entity on or after January 15, 2018.

(2) The provisions of this chapter are to be construed liberally so as to effectuate their intent, policy, and purposes.

NEW SECTION. Sec. 6. SEVERABILITY.

(1) 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.

(2) The people of the state of Washington hereby declare that they would have adopted this chapter, and each and every portion, section, subsection, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this chapter, or application thereof, would be subsequently declared invalid.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 82 RCW.

--- END ---

Complete Text

Initiative Measure No. 1639

AN ACT Relating to increasing public safety by implementing firearm safety measures, including requiring enhanced background checks, waiting periods, and increased age requirements for semiautomatic assault rifles and secure gun storage for all firearms; amending RCW 9.41.090, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.113, 9.41.124, 9.41.240, 9.41.129, and 9.41.010; adding new sections to chapter 9.41 RCW; creating new sections; prescribing penalties; and providing effective dates.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. INTENT. Gun violence is far too common in Washington and the United States. In particular, shootings involving the use of semiautomatic assault rifles have resulted in hundreds of lives lost, devastating injuries, and lasting psychological impacts on survivors, their families, and communities. Semiautomatic assault rifles are specifically designed to kill quickly and efficiently and have been used in some of the country's deadliest mass shootings, including in Newtown, Connecticut; Las Vegas, Nevada; and Parkland and Orlando, Florida, among others. Semiautomatic assault rifles have also been used in deadly shootings in Washington, including in Mukilteo and Tacoma.

The impacts of gun violence by assault weapons fall heavily on children and teenagers. According to one analysis, more than two hundred eight thousand students attending at least two hundred twelve schools have experienced a shooting on campus since the Columbine mass shooting in 1999. Active shooter drills are normal for a generation of American schoolchildren, instilling at a young age the sad and unnecessary realization that a mass shooting can happen in any community, in any school, at any time.

Enough is enough. The people find and declare that it is crucial and urgent to pass laws to increase public safety and reduce gun violence.

Implementing an enhanced background check system for semiautomatic assault rifles that is as strong as the one required to purchase a handgun and requiring safety training and a waiting period will help ensure that we keep these weapons out of dangerous hands. Further, federal law prohibits the sale of pistols to individuals under the age of twenty-one and at least a dozen states further restrict the ownership or possession of firearms by individuals under the age of twenty-one. This makes sense, as studies show that eighteen to twenty year olds commit a disproportionate number of firearm homicides in the United States and research indicates that the brain does not fully mature until a later age. Raising the minimum age to purchase semiautomatic assault rifles to twenty-one is a commonsense

step the people wish to take to increase public safety.

Finally, firearms taken from the home by children or other persons prohibited from possessing firearms have been at the heart of several tragic gun violence incidents. One study shows that over eighty-five percent of school shooters obtained the firearm at their home or from a friend or relative. Another study found that more than seventy-five percent of firearms used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend. Secure gun storage requirements for all firearms will increase public safety by helping ensure that children and other prohibited persons do not inappropriately gain access to firearms, and notice requirements will make the potential dangers of firearms clear to purchasers.

Therefore, to increase public safety for all Washingtonians, in particular our children, this measure would, among other things: Create an enhanced background check system applicable to semiautomatic assault rifles similar to what is required for handguns, require that individuals complete a firearm safety training course and be at least twenty-one years of age to purchase or possess such weapons, enact a waiting period for the purchase of such weapons, and establish standards for the responsible storage of all firearms.

NEW SECTION. Sec. 2. SHORT TITLE. This act may be known and cited as the public safety and semiautomatic assault rifle act.

Sec. 3. ENHANCED BACKGROUND CHECKS. RCW 9.41.090 and 2018 c 201 s 6003 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection ~~((5))~~ (6) of this section. For purposes of this subsection (1) (a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance;

(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(2) In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:

(a) The purchaser provides proof that he or she has com-

pleted a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:

- (i) Basic firearms safety rules;
- (ii) Firearms and children, including secure gun storage and talking to children about gun safety;
- (iii) Firearms and suicide prevention;
- (iv) Secure gun storage to prevent unauthorized access and use;
- (v) Safe handling of firearms; and
- (vi) State and federal firearms laws, including prohibited firearms transfers.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and

(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(3)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, including the national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once ~~(the)~~ a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. ~~((However, a chief of police or sheriff, or a designee of either, shall continue to check the health care authority's~~

~~electronic database and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.))~~

~~((3))~~ (4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a ~~((pistol))~~ firearm.

~~((4))~~ (5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a ~~((pistol))~~ firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a ~~((pistol))~~ firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a ~~((pistol))~~ firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

~~((5))~~ ~~(6)~~(a) At the time of applying for the purchase of a pistol or semiautomatic assault rifle, the purchaser shall sign in triplicate and deliver to the dealer an application containing:

- (i) His or her full name, residential address, date and place of birth, race, and gender;
- (ii) The date and hour of the application;
- (iii) The applicant's driver's license number or state identification card number;
- (iv) A description of the pistol or semiautomatic assault rifle including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of a pistol or semiautomatic assault rifle. If the manufacturer's number is not available at the time of applying for the purchase of a pistol or semiautomatic assault rifle, the

application may be processed, but delivery of the pistol or semiautomatic assault rifle to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section; ~~((and))~~

(v) A statement that the purchaser is eligible to purchase and possess a ~~((pistol))~~ firearm under ~~((RCW 9.41.040))~~ state and federal law; and

(vi) If purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection (2) of this section.

(b) The application shall contain ~~((a))~~ two warnings substantially stated as follows:

(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and

(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms~~((;))~~ and firearms safety~~((, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law))~~.

(c) The dealer shall, by the end of the business day, sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section. The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol or semiautomatic assault rifle to the purchaser following the period of time specified in this chapter unless the dealer is notified of an investigative hold under subsection ~~((4))~~ (5) of this section in writing by the chief of police of the municipality ~~((or))~~, the sheriff of the county, or the state, whichever is applicable, ~~((denying))~~ or of the denial of the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to purchase or possess ~~((a pistol))~~ the firearm under ~~((RCW 9.41.040))~~ state or ~~((9.41.045, or))~~ federal law.

(d) The chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section, shall retain or destroy applications to purchase a pistol or semiautomatic assault rifle in accordance with the

requirements of 18 U.S.C. Sec. 922.

~~((6))~~ (7)(a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.

(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:

(i) The state for the cost of meeting its obligations under this section;

(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and

(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.

(8) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a ~~((pistol))~~ firearm is guilty of false swearing under RCW 9A.72.040.

~~((7))~~ (9) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

Sec. 4. WAITING PERIOD. RCW 9.41.092 and 2018 c 145 s 4 are each amended to read as follows:

(1) Except as otherwise provided in this chapter and except for semiautomatic assault rifles under subsection (2) of this section, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

~~((1))~~ (a) The results of all required background checks are known and the purchaser or transferee ~~((a))~~ (i) is not prohibited from owning or possessing a firearm under federal or state law and ~~((b))~~ (ii) does not have a voluntary waiver of firearm rights currently in effect; or

~~((2))~~ (b) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.

(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.

NEW SECTION. Sec. 5. SECURE GUN STORAGE. A new

section is added to chapter 9.41 RCW to read as follows:

(1) A person who stores or leaves a firearm in a location where the person knows, or reasonably should know, that a prohibited person may gain access to the firearm:

(a) Is guilty of community endangerment due to unsafe storage of a firearm in the first degree if a prohibited person obtains access and possession of the firearm and causes personal injury or death with the firearm; or

(b) Is guilty of community endangerment due to unsafe storage of a firearm in the second degree if a prohibited person obtains access and possession of the firearm and:

(i) Causes the firearm to discharge;

(ii) Carries, exhibits, or displays the firearm in a public place in a manner that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons; or

(iii) Uses the firearm in the commission of a crime.

(2)(a) Community endangerment due to unsafe storage of a firearm in the first degree is a class C felony punishable according to chapter 9A.20 RCW.

(b) Community endangerment due to unsafe storage of a firearm in the second degree is a gross misdemeanor punishable according to chapter 9A.20 RCW.

(3) Subsection (1) of this section does not apply if:

(a) The firearm was in secure gun storage, or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm;

(b) In the case of a person who is a prohibited person on the basis of the person's age, access to the firearm is with the lawful permission of the prohibited person's parent or guardian and supervised by an adult, or is in accordance with RCW 9.41.042;

(c) The prohibited person obtains, or obtains and discharges, the firearm in a lawful act of self-defense; or

(d) The prohibited person's access to the firearm was obtained as a result of an unlawful entry, provided that the unauthorized access or theft of the firearm is reported to a local law enforcement agency in the jurisdiction in which the unauthorized access or theft occurred within five days of the time the victim of the unlawful entry knew or reasonably should have known that the firearm had been taken.

(4) If a death or serious injury occurs as a result of an alleged violation of subsection (1)(a) of this section, the prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose or would defeat the purpose of the law in question.

(5) For the purposes of this section, "prohibited person" means a person who is prohibited from possessing a firearm under state or federal law.

(6) Nothing in this section mandates how or where a firearm must be stored.

NEW SECTION. Sec. 6. AVAILABILITY OF SECURE GUN STORAGE. A new section is added to chapter 9.41 RCW to read as follows:

(1) When selling or transferring any firearm, every dealer shall offer to sell or give the purchaser or transferee a secure gun storage device, or a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm.

(2) Every store, shop, or sales outlet where firearms are sold, that is registered as a dealer in firearms with the department of licensing, shall conspicuously post, in a prominent location so that all patrons may take notice, the following warning sign, to be provided by the department of licensing, in block letters at least one inch in height:

WARNING: YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN UNSECURED FIREARM WHERE A PERSON WHO IS PROHIBITED FROM POSSESSING FIREARMS CAN AND DOES OBTAIN POSSESSION.

(3) Every store, shop, or sales outlet where firearms are sold that is registered as a dealer in firearms with the department of licensing, upon the sale or transfer of a firearm, shall deliver a written warning to the purchaser or transferee that states, in block letters not less than one-fourth inch in height:

WARNING: YOU MAY FACE CRIMINAL PROSECUTION IF YOU STORE OR LEAVE AN UNSECURED FIREARM WHERE A PERSON WHO IS PROHIBITED FROM POSSESSING FIREARMS CAN AND DOES OBTAIN POSSESSION.

(4) Every person who violates this section is guilty of a class 1 civil infraction under chapter 7.80 RCW and may be fined up to two hundred fifty dollars. However, no such fines may be levied until thirty days have expired from the time warning signs required under subsection (2) of this section are distributed by the department of licensing.

Sec. 7. RCW 9.41.094 and 2018 c 201 s 6004 are each amended to read as follows:

A signed application to purchase a pistol or semiautomatic assault rifle shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol or semiautomatic assault rifle to an inquiring court or law enforcement agency.

Sec. 8. RCW 9.41.097 and 2018 c 201 s 6005 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, ~~((or))~~ law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a ~~((pistol))~~ firearm or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol or semiautomatic assault rifle under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b)

an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the state pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240(4).

Sec. 9. RCW 9.41.0975 and 2009 c 216 s 7 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase a pistol or semiautomatic assault rifle wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a pistol or semiautomatic assault rifle be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm license or to purchase a pistol or semiautomatic assault rifle was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

Sec. 10. RCW 9.41.110 and 2009 c 479 s 10 are each

amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.810. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols or semiautomatic assault rifles that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a lo-

cation other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and ~~((9.41.110))~~ this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No pistol or semiautomatic assault rifle may be sold: (i) In violation of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol or semiautomatic assault rifle be sold under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) A true record in triplicate shall be made of every pistol or semiautomatic assault rifle sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under ~~((RCW 9.41.040))~~ state or federal law to possess a firearm.

(b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the

triplicate the dealer shall retain for six years.

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as provided in RCW 9.41.090, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

Sec. 11. RCW 9.41.113 and 2017 c 264 s 2 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

(a) The person is a licensed dealer;

(b) The purchaser or transferee is a licensed dealer; or

(c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements ~~((and))~~, fulfilling all federal and state record-keeping requirements, and complying with the specific re-

quirements and restrictions on semiautomatic assault rifles in this act.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

(f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

(g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses

firearms as a part of the performance; (iv) to a person who is under eighteen years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; (v) under circumstances in which the transferee and the firearm remain in the presence of the transferor; or (vi) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding sixty days. At the end of the sixty-day period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws; or

(i) A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic.

Sec. 12. RCW 9.41.124 and 2015 c 1 s 7 are each amended to read as follows:

Residents of a state other than Washington may purchase rifles and shotguns, except those firearms defined as semiautomatic assault rifles, in Washington: PROVIDED, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States secretary of the treasury: AND PROVIDED FURTHER, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such persons reside: AND PROVIDED FURTHER, That such residents are subject to the procedures and background checks required by this chapter.

Sec. 13. RCW 9.41.240 and 1994 sp.s. c 7 s 423 are each amended to read as follows:

(1) A person under twenty-one years of age may not purchase a pistol or semiautomatic assault rifle, and except as otherwise provided in this chapter, no person may sell or transfer a semiautomatic assault rifle to a person under twenty-one years of age.

(2) Unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060 applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

((1)) (a) In the person's place of abode;

((2)) (b) At the person's fixed place of business; or

~~((3))~~ (c) On real property under his or her control.

(3) Except in the places and situations identified in RCW 9.41.042 (1) through (9) and 9.41.060 (1) through (10), a person at least eighteen years of age, but less than twenty-one years of age, may possess a semiautomatic assault rifle only:

(a) In the person's place of abode;

(b) At the person's fixed place of business;

(c) On real property under his or her control; or

(d) For the specific purpose of (i) moving to a new place of abode; (ii) traveling between the person's place of abode and real property under his or her control; or (iii) selling or transferring the firearm in accordance with the requirements of this chapter; provided that in all of these situations the semiautomatic assault rifle is unloaded and either in secure gun storage or secured with a trigger lock or similar device that is designed to prevent the unauthorized use or discharge of the firearm.

Sec. 14. RCW 9.41.129 and 2005 c 274 s 203 are each amended to read as follows:

The department of licensing ~~(may)~~ shall keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase pistols or semiautomatic assault rifles provided for in RCW 9.41.090, and copies or records of pistol or semiautomatic assault rifle transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4).

NEW SECTION. Sec. 15. A new section is added to chapter 9.41 RCW to read as follows:

(1) Within twelve months of the effective date of this section, the department of licensing shall, in conjunction with the Washington state patrol and other state and local law enforcement agencies as necessary, develop a cost-effective and efficient process to:

(a) Verify, on an annual or more frequent basis, that persons who acquired pistols or semiautomatic assault rifles pursuant to this chapter remain eligible to possess a firearm under state and federal law; and

(b) If such persons are determined to be ineligible for any reason, (i) notify and provide the relevant information to the chief of police or the sheriff of the jurisdiction in which the purchaser resides and (ii) take steps to ensure such persons are not illegally in possession of firearms.

(2) The department of licensing, where appropriate, may consult with individuals from the public and private sector or ask the individuals to establish a temporary advisory committee to accomplish the purposes in subsection (1) of this section. Members of such an advisory committee are not entitled to expense reimbursement.

Sec. 16. RCW 9.41.010 and 2018 c 7 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the defini-

tions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(7) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

(8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(10) "Felony firearm offense" means:

- (a) Any felony offense that is a violation of this chapter;
- (b) A violation of RCW 9A.36.045;
- (c) A violation of RCW 9A.56.300;
- (d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

(12) "Gun" has the same meaning as firearm.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(15) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(16) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(17) "Loaded" means:

- (a) There is a cartridge in the chamber of the firearm;
- (b) Cartridges are in a clip that is locked in place in the firearm;
- (c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;
- (d) There is a cartridge in the tube or magazine that is inserted in the action; or
- (e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(18) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired

therefrom at the rate of five or more shots per second.

(19) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(20) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(21) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(22) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(23) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(24) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(25) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

"Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(26) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;
- (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
- (c) Child molestation in the second degree;
- (d) Incest when committed against a child under age fourteen;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (l) Vehicular homicide, when proximately caused by the driv-

ing of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as “sexual motivation” is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((25))~~ (27) “Short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((26))~~ (28) “Short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((27))~~ (29) “Shotgun” means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((28))~~ (30) “Transfer” means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. “Transfer” does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity’s employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((29))~~ (31) “Unlicensed person” means any person who is not a licensed dealer under this chapter.

NEW SECTION. Sec. 17. This act takes effect July 1, 2019, except for section 13 of this act which takes effect January 1, 2019.

NEW SECTION. Sec. 18. The director of the department of licensing may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid or preempted by federal law, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

--- END ---

Complete Text

Initiative Measure No. 940

AN ACT Relating to law enforcement; amending RCW 9A.16.040; adding new sections to chapter 43.101 RCW; adding new sections to chapter 36.28A RCW; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

PART I

TITLE AND INTENT

NEW SECTION. Sec. 1. This act may be known and cited as the law enforcement training and community safety act.

NEW SECTION. Sec. 2. The intent of the people in enacting this act is to make our communities safer. This is accomplished by requiring law enforcement officers to obtain violence de-escalation and mental health training, so that officers will have greater skills to resolve conflicts without the use of physical or deadly force. Law enforcement officers will receive first aid training and be required to render first aid, which will save lives and be a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts. Finally, the initiative adopts a “good faith” standard for officer criminal liability in those exceptional circumstances where deadly force is used, so that officers using deadly force in carrying out their duties in good faith will not face prosecution.

PART II

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE VIOLENCE DE-ESCALATION TRAINING

NEW SECTION. Sec. 3. A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

PART III

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE MENTAL HEALTH TRAINING

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive mental health training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing mental health training to update their knowledge about mental health issues and associated legal requirements, and to update and practice skills for interacting with people with mental health issues.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

**PART IV
TRAINING REQUIREMENTS SHALL BE SET IN
CONSULTATION WITH LAW ENFORCEMENT AND
COMMUNITY STAKEHOLDERS**

NEW SECTION. Sec. 5. A new section is added to chapter 43.101 RCW to read as follows:

(1) Within six months after the effective date of this section, the commission must consult with law enforcement agencies and community stakeholders and adopt rules for carrying out the training requirements of sections 3 and 4 of this act. Such rules must, at a minimum:

(a) Adopt training hour requirements and curriculum for initial violence de-escalation trainings required by this act;

(b) Adopt training hour requirements and curriculum for initial mental health trainings required by this act, which may include all or part of the mental health training curricula established under RCW 43.101.227 and 43.101.427;

(c) Adopt training hour requirements and curricula for continuing trainings required by this act;

(d) Establish means by which law enforcement officers will receive trainings required by this act; and

(e) Require compliance with this act's training requirements as a condition of maintaining certification.

(2) In developing curricula, the commission shall consider inclusion of the following:

(a) De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence;

(b) Alternatives to jail booking, arrest, or citation in situations where appropriate;

(c) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;

(d) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities and/or behavioral health issues;

(e) "Shoot/don't shoot" scenario training;

(f) Alternatives to the use of physical or deadly force so that deadly force is used only when unavoidable and as a last resort;

(g) Mental health and policing, including bias and stigma; and

(h) Using public service, including rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

(3) The initial violence de-escalation training must educate officers on the good faith standard for use of deadly force established by this act and how that standard advances violence de-escalation goals.

(4) The commission may provide trainings, alone or in partnership with private parties or law enforcement agencies, authorize private parties or law enforcement agencies to provide trainings, or any combination thereof. The entity providing the training may charge a reasonable fee.

**PART V
ESTABLISHING LAW ENFORCEMENT OFFICERS'
DUTY TO RENDER FIRST AID**

NEW SECTION. Sec. 6. A new section is added to chapter 36.28A RCW to read as follows:

(1) It is the policy of the state of Washington that all law enforcement personnel must render first aid to save lives.

(2) Within one year after the effective date of this section, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, organizations representing state and local law enforcement officers, health providers and/or health policy organizations, tribes, and community stakeholders, shall develop guidelines for implementing the duty to render first aid adopted in this section. The guidelines must: (a) Adopt first aid training requirements; (b) assist agencies and law enforcement officers in balancing competing public health and safety duties; and (c) establish that law enforcement officers have a paramount duty to preserve the life of persons whom the officer comes into direct contact with while carrying out official duties, including providing or facilitating immediate first aid to those in agency care or custody at the earliest opportunity.

**PART VI
ADOPTING A "GOOD FAITH" STANDARD FOR LAW
ENFORCEMENT OFFICER USE OF DEADLY FORCE**

Sec. 7. RCW 9A.16.040 and 1986 c 209 s 2 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer applies deadly force ((is acting)) in obedience to the judgment of a competent court; or

(b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate,

or order of a court or officer, or in the discharge of a legal duty(:-); or

(c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; ((or))

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

(3) A public officer (~~or peace officer~~) covered by subsection (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A law enforcement officer shall not be held criminally liable for using deadly force if such officer meets the good faith standard adopted in this section.

(5) The following good faith standard is adopted for law enforcement officer use of deadly force:

(a) The good faith standard is met only if both the objective good faith test in (b) of this subsection and the subjective good faith test in (c) of this subsection are met.

(b) The objective good faith test is met if a reasonable officer, in light of all the facts and circumstances known to the officer at the time, would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(c) The subjective good faith test is met if the officer intended to use deadly force for a lawful purpose and sincerely and in good faith believed that the use of deadly force was warranted in the circumstance.

(d) Where the use of deadly force results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform the determination of whether the use of deadly force met the objective good faith test established by this section and satisfied other applicable laws and policies.

(6) For the purpose of this section, "law enforcement officer" means any law enforcement officer in the state of Washington, including but not limited to law enforcement personnel and peace officers as defined by RCW 43.101.010.

(7) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

PART VII MISCELLANEOUS

NEW SECTION. Sec. 8. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act. Nothing in this act precludes local jurisdictions or law enforcement agencies from enacting additional training requirements or requiring law enforcement officers to provide first aid in more circumstances than required by this act or guidelines adopted under this act.

NEW SECTION. Sec. 9. Except where a different timeline is provided in this act, the Washington state criminal justice training commission must adopt any rules necessary for carrying out the requirements of this act within one year after the effective date of this section. In carrying out all rule making under this act, the commission shall seek input from the attorney general, law enforcement agencies, tribes, and community stakeholders. The commission shall consider the use of negotiated rule making. The rules must require that procedures under RCW 9A.16.040(5)(d) be carried out completely independent of the agency whose officer was involved in the use of deadly force; and, when the deadly force is used on a tribal member, such procedures must include consultation with the member's tribe and, where appropriate, information sharing with such tribe. Where this act requires involvement of community stakeholders, input must be sought from organizations advocating for: Persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; non-citizens; native Americans; youth; and formerly incarcerated persons.

NEW SECTION. Sec. 10. 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. 11. For constitutional purposes, the subject of this act is "law enforcement."

--- END ---

Contact your county elections department

Adams County

210 W Broadway, Ste 200
Ritzville, WA 99169
(509) 659-3249
elections@co.adams.wa.us

Asotin County

PO Box 129
Asotin, WA 99402
(509) 243-2084
dmckay@co.asotin.wa.us

Benton County

PO Box 1440
Prosser, WA 99350
(509) 736-3085
elections@co.benton.wa.us

Chelan County

350 Orondo Ave, STE 306 Level 3
Wenatchee, WA 98801
(509) 667-6808
elections@co.chelan.wa.us

Clallam County

223 E 4th St, Ste 1
Port Angeles, WA 98362
(360) 417-2221
elections@co.clallam.wa.us

Clark County

PO Box 8815
Vancouver, WA 98666-8815
(564) 397-2345
elections@clark.wa.gov

Columbia County

341 E Main St, Ste 3
Dayton, WA 99328
(509) 382-4541
sharon_richter@co.columbia.wa.us

Cowlitz County

207 N 4th Ave, Rm 107
Kelso, WA 98626-4124
(360) 577-3005
elections@co.cowlitz.wa.us

Douglas County

PO Box 456
Waterville, WA 98858
(509) 888-6403 or (509) 888-6402
elections@co.douglas.wa.us

Ferry County

350 E Delaware Ave, Ste 2
Republic, WA 99166
(509) 775-5225 ext. 1139
delections@co.ferry.wa.us

Franklin County

PO Box 1451
Pasco, WA 99301
(509) 545-3538
elections@co.franklin.wa.us

Garfield County

PO Box 278
Pomeroy, WA 99347-0278
(509) 843-1411
ddeal@co.garfield.wa.us

Grant County

PO Box 37
Ephrata, WA 98823
(509) 754-2011 ext 2793
elections@grantcountywa.gov

Grays Harbor County

100 W Broadway, Ste 2
Montesano, WA 98563
(360) 964-1556
elections@co.grays-harbor.wa.us

Island County

PO Box 1410
Coupeville, WA 98239
(360) 679-7366
elections@co.island.wa.us

Jefferson County

PO Box 563
Port Townsend, WA 98368-0563
(360) 385-9119
elections@co.jefferson.wa.us

King County

919 SW Grady Way
Renton, WA 98057
(206) 296-8683
elections@kingcounty.gov

Kitsap County

614 Division St, MS 31
Port Orchard, WA 98366
(360) 337-7128
auditor@co.kitsap.wa.us

Kittitas County

205 W 5th Ave, Ste 105
Ellensburg, WA 98926-2891
(509) 962-7503
elections@co.kittitas.wa.us

Klickitat County

205 S Columbus Ave, Room 203
Goldendale, WA 98620
(509) 773-4001
voting@klickitatcounty.org

Contact your county elections department

Lewis County

PO Box 29
Chehalis, WA 98532-0029
(360) 740-1164
elections@lewiscountywa.gov

Lincoln County

PO Box 28
Davenport, WA 99122-0028
(509) 725-4971
elections@co.lincoln.wa.us

Mason County

PO Box 400
Shelton, WA 98584
(360) 427-9670 ext 470
elections@co.mason.wa.us

Okanogan County

PO Box 1010
Okanogan, WA 98840-1010
(509) 422-7240
elections@co.okanogan.wa.us

Pacific County

PO Box 97
South Bend, WA 98586
(360) 875-9317
jkidd@co.pacific.wa.us

Pend Oreille County

PO Box 5015
Newport, WA 99156
(509) 447-6472
elections@pendoreille.org

Pierce County

2501 S 35th St, Ste C
Tacoma, WA 98409
(253) 798-VOTE (8683)
pcelections@piercecountywa.gov

San Juan County

PO Box 638
Friday Harbor, WA 98250-0638
(360) 378-3357
elections@sanjuanco.com

Skagit County

PO Box 1306
Mount Vernon, WA 98273
(360) 416-1702
scelections@co.skagit.wa.us

Skamania County

PO Box 790
Stevenson, WA 98648-0790
(509) 427-3730
elections@co.skamania.wa.us

Snohomish County

3000 Rockefeller Ave, MS 505
Everett, WA 98201-4046
(425) 388-3444
elections@snoco.org

Spokane County

1033 W Gardner Ave
Spokane, WA 99260
(509) 477-2320
elections@spokanecounty.org

Stevens County

215 S Oak St, Rm 106
Colville, WA 99114-2836
(509) 684-7514
elections@stevenscountywa.gov

Thurston County

2000 Lakeridge Dr SW
Olympia, WA 98502-6090
(360) 786-5408
elections@co.thurston.wa.us

Wahkiakum County

PO Box 543
Cathlamet, WA 98612
(360) 795-3219
bergsengn@co.wahkiakum.wa.us

Walla Walla County

PO Box 2176
Walla Walla, WA 99362-0176
(509) 524-2530
elections@co.walla-walla.wa.us

Whatcom County

PO Box 369
Bellingham, WA 98227-0369
(360) 778-5102
elections@co.whatcom.wa.us

Whitman County

PO Box 191
Colfax, WA 99111
(509) 397-5284
elections@co.whitman.wa.us

Yakima County

PO Box 12570
Yakima, WA 98909-2570
(509) 574-1340
iVote@co.yakima.wa.us

VOTERS' PAMPHLET

WASHINGTON STATE ELECTIONS
& WHATCOM COUNTY

GENERAL ELECTION
NOVEMBER 6



2018

YOUR BALLOT WILL BE MAILED BY **OCTOBER 19**
(800) 448-4881 | vote.wa.gov

OFFICIAL PUBLICATION



Office of the Secretary of State

Elections Division

PO Box 40220

Olympia WA 98504-0220

NONPROFIT ORG.
U.S. POSTAGE
PAID
SEATTLE, WA
PERMIT NO. 1216
ECRWSS



Residential Customer

EDITION 26

Whatcom County

Para recibir un folleto en español,
comuníquese al (800) 448-4881
o visite vote.wa.gov.