

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 5287

Chapter 456, Laws of 2019

(partial veto)

66th Legislature
2019 Regular Session

REDISTRICTING--INDIVIDUALS IN STATE CUSTODY

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 23, 2019
Yeas 27 Nays 19

CYRUS HABIB

President of the Senate

Passed by the House April 16, 2019
Yeas 57 Nays 39

FRANK CHOPP

Speaker of the House of Representatives

Approved May 21, 2019 2:24 PM with the
exception of section 3, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SECOND SUBSTITUTE
SENATE BILL 5287** as passed by the
Senate and the House of
Representatives on the dates hereon
set forth.

BRAD HENDRICKSON

Secretary

FILED

May 21, 2019

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5287

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Darneille and Hunt)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to ensuring accurate redistricting by counting
2 individuals in state custody as residents of their last known place
3 of residence; amending RCW 44.05.090; adding a new section to chapter
4 44.05 RCW; providing an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 44.05
7 RCW to read as follows:

8 (1) After April 1st of each year ending in zero, and by July 1st
9 of each year ending in zero, the department of corrections shall
10 furnish to the redistricting commission the following information
11 regarding the last known place of residence of each inmate
12 incarcerated in a state adult correctional facility:

13 (a) A unique identifier, other than the inmate's department of
14 corrections number; and

15 (b) Last known place of residence information sufficiently
16 specific to determine the congressional and state legislative
17 districts in which the inmate's last known place of residence is
18 located.

19 (2) After April 1st of each year ending in zero, and by July 1st
20 of each year ending in zero, the department of social and health
21 services shall furnish to the redistricting commission the following

1 information regarding the last known place of residence of each
2 person committed to receive involuntary behavioral health treatment
3 under chapter 71.05 RCW:

4 (a) A unique identifier, other than the person's patient
5 identification number; and

6 (b) Last known place of residence information sufficiently
7 specific to determine the congressional and state legislative
8 districts in which the resident's last known place of residence is
9 located.

10 (3) After April 1st of each year ending in zero, and by July 1st
11 of each year ending in zero, the department of children, youth, and
12 families shall furnish to the redistricting commission the following
13 information regarding the last known place of residence of each
14 person residing or placed in a juvenile justice facility:

15 (a) A unique identifier, other than the person's patient
16 identification number; and

17 (b) Last known place of residence information sufficiently
18 specific to determine the congressional and state legislative
19 districts in which the resident's last known place of residence is
20 located.

21 (4) The redistricting commission shall:

22 (a) Deem each inmate incarcerated in a state adult correctional
23 facility and person residing or placed in a juvenile justice facility
24 or committed to receive involuntary behavioral health treatment under
25 chapter 71.05 RCW as residing at his or her last known place of
26 residence, rather than at the institution of his or her
27 incarceration, residence, or placement;

28 (b) Regardless of the form in which the information is furnished,
29 refrain from publishing any information regarding a specific inmate's
30 or resident's last known place of residence;

31 (c) Deem an inmate or resident in state custody in Washington
32 whose last known place of residence is outside of Washington or whose
33 last known place of residence cannot be determined to reside at the
34 location of the facility in which the inmate or resident is
35 incarcerated, placed, or committed; and

36 (d) Adjust race and ethnicity data in districts, wards, and
37 precincts in a manner that reflects the inclusion of inmates and
38 residents in the population count of the district, ward, or precinct
39 of their last known place of residence.

40 (5) For purposes of this section:

1 (a) "Inmate incarcerated in a state adult correctional facility"
2 includes an inmate who has been transferred to a facility outside of
3 Washington to complete his or her term of incarceration.

4 (b) "Last known place of residence" means the address at which
5 the inmate or resident was last domiciled prior to his or her
6 placement or current term of incarceration, as reported by the inmate
7 or resident.

8 (c) "Person residing or placed in a juvenile justice facility"
9 and "person committed to receive involuntary behavioral health
10 treatment under chapter 71.05 RCW" include a person who has been
11 transferred to a facility outside of Washington.

12 (d) "Resident" means persons residing or placed in a juvenile
13 justice facility or committed to receive involuntary behavioral
14 health treatment under chapter 71.05 RCW.

15 **Sec. 2.** RCW 44.05.090 and 1990 c 126 s 1 are each amended to
16 read as follows:

17 In the redistricting plan:

18 (1) Districts shall have a population as nearly equal as is
19 practicable, excluding nonresident military personnel, based on the
20 population reported in the federal decennial census as adjusted by
21 section 1 of this act.

22 (2) To the extent consistent with subsection (1) of this section
23 the commission plan should, insofar as practical, accomplish the
24 following:

25 (a) District lines should be drawn so as to coincide with the
26 boundaries of local political subdivisions and areas recognized as
27 communities of interest. The number of counties and municipalities
28 divided among more than one district should be as small as possible;

29 (b) Districts should be composed of convenient, contiguous, and
30 compact territory. Land areas may be deemed contiguous if they share
31 a common land border or are connected by a ferry, highway, bridge, or
32 tunnel. Areas separated by geographical boundaries or artificial
33 barriers that prevent transportation within a district should not be
34 deemed contiguous; and

35 (c) Whenever practicable, a precinct shall be wholly within a
36 single legislative district.

37 (3) The commission's plan and any plan adopted by the supreme
38 court under RCW 44.05.100(4) shall provide for forty-nine legislative
39 districts.

1 (4) The house of representatives shall consist of ninety-eight
2 members, two of whom shall be elected from and run at large within
3 each legislative district. The senate shall consist of forty-nine
4 members, one of whom shall be elected from each legislative district.

5 (5) The commission shall exercise its powers to provide fair and
6 effective representation and to encourage electoral competition. The
7 commission's plan shall not be drawn purposely to favor or
8 discriminate against any political party or group.

9 ****NEW SECTION. Sec. 3. This act is necessary for the immediate***
10 ***preservation of the public peace, health, or safety, or support of***
11 ***the state government and its existing public institutions, and takes***
12 ***effect July 1, 2019.***

****Sec. 3 was vetoed. See message at end of chapter.***

Passed by the Senate April 23, 2019.

Passed by the House April 16, 2019.

Approved by the Governor May 21, 2019, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 21, 2019.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3, Second
Substitute Senate Bill No. 5287 entitled:

"AN ACT Relating to ensuring accurate redistricting by counting
individuals in state custody as residents of their last known place
of residence."

Section 3 is an unnecessary emergency clause. Under the bill, the
Department of Children, Youth, and Families; Department of
Corrections; and Department of Social and Health Services must
perform a residence determination process between April 1 and July 1
of each year ending in zero. Without the emergency clause, this bill
will take effect under the standard enactment period, which is well
before the first deadline of April 1, 2020. This veto will not
disturb the substantive provisions of this bill and will provide the
impacted agencies with adequate time to determine the last known
place of residence for those persons who are in state custody.

For these reasons I have vetoed Section 3 of Second Substitute Senate
Bill No. 5287.

With the exception of Section 3, Second Substitute Senate Bill No.
5287 is approved."

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